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HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

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CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

THIRD SESSION of the FOURTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. VI.

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THE

HISTORY

OF THE

PROCEEDINGS and DEBATES

Of the THIRD SESSION of the

HOUSE OF COMMONS,

OF THE

Fourteenth Parliament of *Great-Britain*.

February 26.

THE House in committee on importing lumber from the Baltic. For the resolutions agreed to by the committee, see page 274.

Adjourned to the 28th.

February 28.

Private business. Adjourned to the 3d of March.

March 3.

Bills passed. Adjourned to the 7th.

March 7.

Private business. Adjourned to the 11th.

March 11.

Hon. *Temple Luttrell* (in consequence of having given notice some days ago) moved to bring in a bill, for manning the navy in times of war, &c.

It is a fundamental maxim, he said, with the excellent writer on the spirit of laws, that when any law is proposed which indicates more good than evil to a state, such law ought to be received. The unconstitutional effects, the oppression, and inefficacy of the present mode of levying men for the navy by an impress, are but too sensibly felt by the whole nation. A valuable sea-officer [Governor Johnstone], who is a distinguished ornament to this legislature, and whose private and public character do real honour to human nature, having formerly treated of the practice of impressing, says, "It disgraces government, shocks the spirit of our constitu-

tion, and violates the laws of humanity; therefore every plan to obviate the evil, has a claim to a patient hearing and candid discussion."—That worthy member's remarks must, I am sure, strike every body, who duly considers them, as just and forcible. Is it not an abominable sight, in a free country like ours, to have a number of sailors, with fire-arms and cutlasses, frequently in the dead of night, sometimes intoxicated with liquor, making their way into the dwellings of peaceable inhabitants; dragging a sober, unoffending subject from his home and settled means of livelihood, to convey him on board an impress tender, from thence to a guard-ship; imprisoned amidst the moral and physical contagion of a miscellaneous, kidnapped crew, to be driven across the seas, no mortal can tell him where, nor for how long a time;—and, what is still worse, seized by surprize; not suffered to bid a kind farewell to his wife and family, nor have thought of their future subsistence, when deprived of his care; to adopt a new way of life, perhaps that for which his limbs and faculties are the worst calculated and fashioned by his Creator? And, Sir, is it not a serious matter of reproach to this wise, this liberal nation, never yet to have provided a remedy for such dreadful and extensive sufferings? What tumults, fear, and confusion, arise in every city, town, and village, within ten or twelve miles of a press-gang! And what numberless inconveniences to all conditions of persons throughout Great Britain! In 1770, the Lord Mayor of London represented to the Board of Admiralty, that the city of London was so infested with press-gangs, that tradesmen and servants were prevented from following their lawful business. A gentleman in Yorkshire, of rank and veracity (who was formerly a member of this House), sends me word, that such is at this time the general apprehension in that part of England from a press-gang at Tadcaster, that the labourers on his estate are dispersed abroad like a covey of partridges; neither could half of them be brought back to their work, till the steward had given them assurance of his master's protection: still, it seems, they are afraid to return to their own homes at night, and therefore constantly beg leave to sleep upon straw in the stables and outhouses of their landlord. In the west of England, the public are now so prejudiced by press-gangs, that I have read a letter from Exeter, dated February 24, which observes, that there had been no fish in their town for upwards of a fortnight—a circumstance scarce known within the memory of man: and another correspondent of mine, paints the miseries

of

of the neighbouring coasts, in as strong colours as if there were famine, pestilence, or some other awful and almost preternatural visitation of Providence—markets deserted, the price of the most urgent necessaries of life thereby greatly enhanced, and numbers of families among the inferior classes of mankind, from the insecurity of the masters of those families, by whose toil and industry they had long been maintained in comfort, reduced at once to the verge of poverty and wretchedness! How shamefully has this unconstitutional license of the impress been abused at the town of Leicester, where men, the most unfit in every respect for the sea-service, were kidnapped, collared with iron, and manacled with cords or fetters, sent up to London in the basket of the stage-coach (as I understand), under command of a serjeant of militia, in violation of the most sacred laws of your constitution; with an heavy local expence, and to no better end than to have them at length put at large, as totally incapable of the errand they set out upon! The animosities within this very metropolis of your empire, on the subject of impressing men for the navy, and the law-suits depending thereupon in the courts of Westminster-hall, must occasion, as well to government as to people in general, much embarrassment and apprehension. In several of the ports along the north-east coast of England, you have actually subsisting a dangerous commotion among large bodies of sea-faring persons, occasioned by many lawless proceedings of the press-gang; and every day's post brings some new detail of innocent lives lost, or limbs broken, in that quarter.—Sir, there have been lately no less than one hundred and twenty men pressed, without distinction, in or about Bethnal-green and Spital-fields; of which between seventy and eighty, after suffering every hardship, and leaving their families distressed at home, obtained a discharge, as of no use to the service.—Having already cursorily touched on some of the calamities and unconstitutional outrages affecting those manufacturers, mechanics, and husbandmen, who never exercised, nor had in contemplation, the trade of a seaman, I must next take a short view of your cruelty towards mariners by profession. They are not only liable to the same inhuman violence and surprize with landsmen, but when seized on board trading vessels, for the purpose of serving his Majesty, are often imposed upon by fraudulent or imperfect bills, on account of wages due to them for past hire in the trader's employ. The lives of many brave officers, and their followers, have been sacrificed, or they

have come off cruelly maimed by this invidious part of their duty. A multitude of seamen have been drowned, by attempting to swim ashore from their ships; or have been shot by the centinels, while they endeavoured to escape under cover of midnight darkness; being driven to phrenzy and despair, for want even of a shadow of hope, that they might one day or other be entitled to a legal discharge.

I remember, Sir, one Robert Fosper, a gunner's mate, belonging to the Resolution man of war, who, having been forcibly detained in the King's service, without remission, upwards of seventeen years, twice endeavoured to hang himself; was cut down, and cruelly restored to the same endless bondage. Many tragical events, still more decisive than this, occur in the private memoirs of your seamen. Some die through a gradual vexation and despondency; while others, ere they can be seized on shore, torture and mutilate their limbs, to incapacitate themselves for the yoke.

What havock is made, during an impress, by fevers, and various infectious illness!—the captive seamen being crammed unwholesomely together, or too long confined on board an impress-tender. In 1771, during the heat of an impress, the number of sick in Haslar-hospital, near Gosport, amounted at one time (in the month of March) to 1418. It has been observed by well-informed authors on maritime customs and policy, that the ill consequences of a protracted impress have destroyed more British seamen than the first two or three years hostilities of a foreign war; and a very intelligent writer (I think it is Doctor Lynd), calls the guard-ship stationed at the Nore, for the reception of impressed men, a seminary of contagion to the whole fleet, by persons from infectious prisons, and covered with cutaneous or putrid eruptions.

In 1770, and beginning of the year 1771, the officer to whom I am indebted for the better part of the proposed plan, beheld ships from two to three hundred tons burthen deserted at sea; left only to a master, and perhaps three or four boys; cargoes exposed to perish, the lives on board sported with, and property of owners and insurers in a most perilous state. Near 400 vessels were at that period of time, during a warm impress, in this condition on the open ocean: neither yards lowered, nor topmasts struck; most of them deeply laden, and without strength sufficient to purchase or weigh an anchor, owing to a general apprehension among the sailors, of being

being compelled to go immediately on a foreign voyage, without reasonable expectation of ever being released, and feeling for that pain and anxiety which they were sensible their wives and families must labour under on their account.

There has frequently been given, by the owners of ships thus abandoned on the waves, so large a sum as from 25 to 30 guineas, to superannuated sea-faring men, to bring the vessel into a place of safety, while the project of its voyage has been altogether demolished. A very serious danger likewise arises to the public, when seamen, belonging to ships coming home from the Levant, and places accustomed to the plague, break quarantine, and run the risk of a civil law sentence, rather than be pressed to serve an unlimited time, to be sent abroad again without seeing their home, or visiting their relations, and allowed no prospect of some final period to their servitude; never, Sir, to rest unmolested on their native soil. An heavy tax usually falls on commerce in general, while an impress rages; partly from the exorbitant pay extorted by sailors, and partly by the detention of ships, for want of men. Consider, too, the numerous poor belonging to sea-faring persons, with which the parishes throughout this kingdom are burthened, during press-warrants, or in consequence of an unlimited term of service. Certain I am, that no compulsatory propositions, no encouragement nor lure whatever to seamen, no increase of bounty-money, will avail, so as to supply the numbers necessary for war, without a limitation of the servitude required.

Unpopular methods are ever abundantly more tedious and more expensive, than those where the people concur with government; and as, with men serving voluntarily, contentment is a natural consequence; so from that contentment must arise a zeal and alacrity, which will render fifty men capable of performing more real service than seventy could accomplish, whose actuating principles are directly repugnant to such spirit and energy. While an impress is in force, besides the high amount of bounties, you are at the charge of employing from four to five thousand seamen on that duty, which, together with the guard-ships for receiving pressed men, the tenders, and various out-goings, amounts to such a charge, that, at a very moderate computation, every impressed man actually retained for service, costs the nation thirty pounds sterling, besides near as many seamen as are employed in the impress, rendered of little use on the seas, from the necessity there is of putting several of those who can be trusted, into

guard-ships, for security, and sending others on board merchant-vessels, in lieu of impressed men.

The impress, we know, fails as much in point of number as well as of expedition. The French, by means of a marine register, fit out their ships of war, to a certain degree of strength, perhaps near 40 sail of the line, far more expeditiously than we can: this has been proved at the commencement of former wars; and hence you must have been totally destroyed in the East Indies, early in the war which began in 1755, were it not for the extraordinary skill and exertion of your British seamen, and the prowess of Sir George Pocock, who repeatedly engaged the enemy with a force much inferior to theirs. When an alarm of war was sounded throughout Great Britain and Ireland, in 1770, press-warrants were issued, and continued in execution five months: you then swept the refuse of gaols, and the outcasts of almost every town and hamlet; yet you scarce increased your mariners (officers and servants exclusive, and without reckoning marines) to the additional amount of 8000. For the naval service of the current year 1777, we have voted 45,000, including 10,000 marines; and the best parliamentary * authority that can be quoted, since the weekly accounts have been unwarrantably and unprecedently denied to this House, gave us to hope, nay, to rest assured, that the whole number voted, would be raised by virtue of these press-warrants; adding, that 40 sail of the line were to be ready for sea, and completely manned, before the end of February. Sir, those 40 sail of the line must require above 24,000 men. We are now in the month of March—press-warrants in force between four and five months—we have about 14,000 men in Great Britain, and upon home service—possibly as many in North America; and 4700 employed in the Mediterranean and East or West Indies; in all, from 32,000 to 33,000 men, of which near 10,000 are marines, and more than 7000 officers, or servants:—of the remaining 16,000, we may allow one-third, or upwards, say 5340, to be complete able seamen, and scarce 2400 of those are in Great Britain; the remainder of the ships' complements are ordinary seamen or landmen—that is, in Great Britain at this day, between 7000 and 8000 sailors of the royal navy—officers of all ranks, servants, &c. and marine-

* Vide Lords debates of this session, 31st October 1776. Speeches of the Earls of Sandwich and Bristol.

marine-soldiers exclusive. Such is the fact as to the present state of your fleet; and it would better become the wisdom of Parliament to remedy the deficiency, than vainly to endeavour to conceal it from the penetrating observance of the Bourbon courts, and from their agents or emissaries. I do admit that you have a goodly show of pendants and streamers waving at Spithead; but, so far are they from being formidable, as their appearance bespeaks, your ships hardly ride secure against the equinoctial gales of the present season; much less are they in any condition to put to sea, and bid defiance to an enemy: they may serve for a May-day pageant, or a pantomime, regatta-like parade, during the serene of the approaching summer. I expect to be told, with an air of triumph, that your guard-ships have many supernumeraries, which, in the usual acceptation of the term, should mean a number of men over and above the ship's proper complement; but this is a mere subterfuge, with many other instances of a like nature, where art is adopted to mislead the legislature, instead of integrity and candour to inform. We hear of supernumeraries, when the men of war which bear them by order, actually want some hundreds of that complement of seamen which would be necessary for action. Of the long list of ships of the line commissioned, in addition to your former peace-establishment, is there one manned? Even the Monarch, that crack-ship of the whole armament, which was so boasted of, as being the most forward of your supposed fleet of observation, how was she fitted at Portsmouth? Chiefly by those riggers, whom the zeal and activity of the commander induced him to employ, out of dock hours, at his own private charge, to equip her for a Spithead voyage. And how was she got thither, when ready? By the seamen from other ships; which seamen she was obliged to detain, till she was safely moored;—the rest of your new fleet repaired to Spithead, in much the same, or worse condition: I believe the St. Alban's, of 64 guns, was the last of them; she sailed from Portsmouth harbour, Feb. 28, and mustered about 177, including officers, servants, boys, and ragganuffins: for, out of that number, she had only 24 or 25 able seamen: yet, Sir, if this want of men were to be supplied by the assiduity or private munificence of the captain who commands her, sure I am, from the general character he bears, there could be no grounds for so disadvantageous an allegation as I am now stating. Numbers alone, whatsoever the levies may prove, seem the primary object with the admiralty, and regulating-

captains; that an ostentatious account may appear upon paper, and a plausible one be held forth to Parliament, and to the nation; yet, when these kidnapped and bludgeoned recruits are received on board his Majesty's ships, and found not to answer any good purpose, they are quickly dispatched, as sick, to the hospital, where they are, from time to time, examined by certain commanders of the royal navy, who are directed by the admiral at the department, to discharge all such men as may be found unserviceable. A friend of mine was lately witness to seventy of these poor wretches being turned adrift (as sailors call it) in one morning. But, Sir, the custom of manning your navy, by impressing, can assume no better argument in its justification than state necessity; a tyrant plea, which has done such frequent—such unmeasurable mischiefs in the best constituted governments upon earth. Even that plea, weak as it is, with so arbitrary—so savage an application, could only assume the colour of reason, till some more eligible and effectual expedient were discovered.

I presume, Sir, I shall not hear repeated, within these walls, a false and injurious idea, sometimes ignorantly advanced without doors, that compulsion alone can ensure the public duties of a seaman. The bill I am to move leave to bring in, will afford a competent remedy; it is founded on principles strictly just and constitutional; replete with honour and œconomy to the public, and according to the present establishment of your fleet, will save the nation a very considerable sum annually, as I shall undertake to prove at a proper season for investigating this point. The bill is advantageous to the masters and owners of merchant-ships, as well as to all persons whatever, concerned in commerce; it is highly beneficial to the sailor, by augmenting his wages, limiting his time of service, and providing for him, under the infirmities of age. Your seamen will henceforward, if this bill should be modelled into an act, be plently in number, more healthful and vigorous, better qualified in their profession, rendered comfortable and content; and that valuable body of subjects, to whose unparalleled address and exploits on the guardian element of your empire, the whole British community owe freedom, opulence, and martial renown, be no longer the only slaves under the sanction or connivance of law, at least on this side of the Atlantic.

The principles and provisions on which the bill is founded, have been thoroughly canvassed and approved of, by the most respectable

respectable professional gentlemen—many merchants, proprietors of trading and coasting vessels, and private mariners; which will be made evident by the original letters and testimonials I have in my hand; and some of which I shall, ere I sit down, take the liberty of reading to the House. With respect to the inventing and arranging this plan, it is chiefly the production of a most ingenious sea officer, who has had the experience of near 28 years, either in the royal navy or merchants employ;—a love of his profession, of his country, and some heartfelt sensibility for the sufferings of his fellow-subjects, were the motives which first induced him (near seven years ago) to the pursuit of so great and desirable an object. The considerable space of time during which he was heretofore employed to raise men for the navy, made him an eye-witness to those scenes of general calamity, and of private wrong and hardship which shocked his nature; he therefore has sedulously devoted his talents, ever since the year 1770, to prepare and accomplish this public-spirited task: his constitution and his circumstances have been much impaired by the journies he has made to several ports in this kingdom, with a view to ascertain the interests and opinions of navy people universally; besides the cost of a voluminous correspondence by letter, on the subject; and, Sir, whatever may be the fate of this bill, sufficient praise can scarce be given to his zeal, and useful tables of calculation, or to the diffidence, patience, and persevering temper of mind, with which he has (under much discouragement) submitted to various strictures and additions to his work, and by which he has profited, so as to bring it to a perfection beyond his most sanguine hopes when he first began the business; yet, however confident he, or I, may feel ourselves, from the encomiums that have been bestowed upon it in its present improved state, by the most intelligent authorities, we are still aware, that some particular articles contained in this bill may, in the penetration of Parliament, be found to want amendment, on a close discussion, when it comes before a committee of the House: presuming only on the propriety and urgent expediency of its principles and general designs, we shall cheerfully submit its minuter form and correction to the judgment of the legislature; but however, Sir, when, we are to debate it clause after clause, I have the vanity to flatter myself, from the mature consideration that has been given to every material part, I shall be able to obviate many an apparent obstacle, which naturally may arise to very discerning understandings,

at first sight. Reason, justice, the good of the nation, the voice and wishes of all descriptions of persons throughout these kingdoms, plead loudly in favour of such a bill; and, I hope no partial enmity or jealousy, no party spleen, no official recission or diminution of perquisites at any board*, will raise up enemies for its destruction. I believe there is not an independent gentleman here, but who feels a strong repugnance in his breast and conscience, to the iniquitous unconstitutional mode of pressing, now in use, and perceives the immediate jeopardy in which your inferior manufacturers, artisans, and husbandmen, stand, in every part of the realm. These considerations, I trust, Sir, will tend to accelerate a remedy. At present there will be no occasion for me to enter further on the principles of the bill at large, nor its constituent sections, than to produce proofs of the very favourable opinions by which it is upheld without these doors, by the most eminent commercial and professional characters, and, to evince the sense which the common sailors, as well in his Majesty's fleet, as in the merchants service, have of its utility and salutary operations, if carried into a law. When I consider, Sir, the great loss we have of late unhappily sustained of our most flourishing marine nurseries—of that continual influx of seamen, from the population and extensive commerce of the North American colonies; when I consider too, this same important addition to our former power, thrown henceforward into the adverse scale, of whatever potentate shall (justly or unjustly) first wage war against us, I cannot but be convinced that our salvation, as a people, depends upon some speedy, unessayed, and effectual method of expediting our naval equipments, and rendering them truly formidable, by giving due encouragement to able marines, and inducing the lower orders of the commonalty, to train up their children in a profession which constitutes the only natural, the only strong bulwark of defence to our liberties, our wealth, and our glory.

After Mr. Luttrell had delivered his sentiments as above, he read the following professional and commercial testimonials in favour of Mr. Tomlinson's plan, the great outlines of which, are the foundation of Mr. Luttrell's bill. The first paper produced was an extract of a letter to Lieutenant Tomlinson,

* The perquisites to the Board of Admiralty, from protections during an impress, amount to about 14,000l. per annum.

Tomlinson, from an officer, who (as Mr. Luttrell stated it) not only holds a distinguished professional rank in the royal navy, but is greatly respected for his literary reputation and abilities [Capt. Edw—d Th—ps—n]: "I shall detain you no further than to assure you, that my first pride is the public good. I confess I like your plan better than any other, even than my own, for I have wrote much on the subject."

The next testimonial was from a very experienced navy captain, who some time since had the command of a ship of 74 guns, at Portsmouth [Capt. H——l]: he writes to Mr. Tomlinson in the following terms: "I have not lost sight of your laborious work, but frequently discourse on the subject, with those that may be of use to you; and we agreed, that administration would be driven to the necessity of adopting your plan, much sooner than you may perhaps imagine; for the great difficulty of getting seamen to embark with us at present, too plainly shews the nakedness of the land, as well as the nakedness of all arguments used to prevent this country benefiting by your great and good work. The times at present appear to me so wild, it will be absolutely necessary to call upon you. The nobleman [Lord Sandwich] may register, review, and muster the seamen, if he pleases, when all the world is asleep; but now I am sure he will review a choice of difficulties, in manning the fleet by the usual mode."

Mr. Luttrell then said he would take the liberty of mentioning what was written to Mr. Tomlinson, respecting the principles of his plan, by a flag-officer of the most exalted naval character, now employed on a very important command abroad [Lord Howe]; and as it shews the humanity and benevolence of that noble Lord's heart, to be equal to the intrepidity of it, he conceived that the availing himself of so favourable an authority, during his absence, could not possibly give offence: "It was my ignorance of your address, that made me thus late in acknowledging the receipt of your favour of the 30th past, enclosed with your ingenious plan, for manning of the navy in time of war, without recourse to the usual method of impressing; ever no less painful to the officer executing the injunction, than severe upon the unfortunate sailor who is to be forced into the service." It would be needless (Mr. Luttrell added) to detain the House with a further correspondence of this kind; though he had several more letters in his hand, couched in the strongest terms of approbation on Mr. Tomlinson's undertaking, from many other experienced officers, particularly one from a captain in his Majesty's

Majesty's navy (now in commission), who having seen a great variety of service in the navy, and many years commanded merchant ships, had often declared it his fixed opinion, that it would be impracticable to man the fleet without an impress; but upon reading Lieutenant Tomlinson's propositions, gave up that opinion, and acknowledged that it would be both practicable and easy, and must prove replete with advantages, as well to the royal navy, as to the merchants service. The following are the commercial testimonials:

Mr. Richard Maitland, lately a very considerable merchant in London, gave his opinion to a noble Lord [Earl of Dartmouth, when first Lord of Trade and Plantations] on the said plan, in the following words: "I cannot find out any objection which the merchants can possibly have to an act of parliament being founded on the principles of Lieut. Tomlinson's plan; for, in my opinion, it is calculated to promote the interests of trade and commerce, so very far beyond any thing of the kind, which I ever saw or heard of (though I have been consulted upon many schemes, written with a view to the same end), that I suppose the mercantile people in general, would be much favoured by such an act being passed. I acknowledge myself to be pretty well acquainted with the outlines of the naval service, therefore several objections arose to me in the course of reading it; but by the answers to the objections stated in that plan, all my objections were fully and satisfactorily answered in every respect, not superficially, but solidly and minutely. Finally, the distresses which Mr. Tomlinson has described trade and shipping to labour under, in times of impressing, are not aggravated, but strictly true." Several intelligent persons, well acquainted with the coal trade, concerned in shipping, and many years at sea, as masters and owners of ships, belonging to Sunderland and Shields, wrote Mr. Tomlinson the following letters:

1st Letter—"I have taken all possible pains to get your plans dispersed from one to another, as fast as they could read them; and have the pleasure to acquaint you, that they meet with general approbation."

2d Letter—"When I got home I made your plan for manning of the navy, as public as possible, at Shields and in its neighbourhood, and very opportunely received the additional copies you sent me; and before I sailed again I had the satisfaction of knowing, that they had been read by almost all the owners and masters of ships, who are supposed capable of forming a proper judgment thereon, and have the pleasure

to

to assure you, that your plan meets with general approbation at Shields."

The three following letters are from a gentleman of the committee of trade, at Sunderland, who has had much experience at sea.

1st Letter—"I laid your improved plan before a very respectable meeting, at our committee-room, about a week since, when it met with the approbation of all present. In the number of these was C. B. who told me he thought the plan, since the alterations, so perfect, that he would not only sign it himself, but use every means in his power to promote its success. He has since informed me, that he spoke with —— (our high sheriff) on the subject, who so highly approved your plan, that he promised to write in its favour to several members in parliament, as our county and city members, and to Sir W. M. &c. I hope to meet with the concurrence of most of our magistrates; and the little influence I have, shall be exerted in favour of a plan, as worthy of public encouragement and patronage, as it is promotive of public good."

2d Letter—"Since my last, the sailors were desired to attend at the Long Room in this town (Sunderland); a great number accordingly came, when your plan was proposed to them. They seemed very sensible of the many advantages which would accrue to them, should it be carried into execution, and several warmly expressed their approbation of it, but were unwilling to sign their names, lest some secret design should be in agitation against them; and being apprehensive, from its being proposed to them at the present juncture, that it is only a temporary expedient to man the ships going to America."

3d Letter—"I have sent your paper, fully signed by the ship-owners, &c. of this place [Sunderland]: your plan is also universally approved of at Shields."

The following is a copy of what was signed at Sunderland, by 163 of the most intelligent persons in that town:—"We whose names are hereunto subscribed, who are at present, or have been, many years, owners and masters of ships in the coal trade, and in various other trades, having read and considered a plan for manning of the royal navy, in case of emergency, without having recourse to the usual mode of impressing the seamen, by Lieutenant Tomlinson: we are of opinion, that the said plan is calculated to answer the interests of trade in general, and of the coal-trade in particular, so essentially,

that

that it has our sincere good wishes for its success in Parliament; and we do suppose, from our own experience, that it offers such encouragement for seamen, as will induce them to serve in his Majesty's navy voluntarily, and with cheerfulness and alacrity, when the safety of the kingdom, or the honour of the crown, shall require their services. And in the fullest confidence of the great utility of the said plan, we have hereunto set our hands under a common seal, this 14th day of January, 1776."

A writing exactly similar to the above, has been signed by near 100 owners and masters of ships, belonging to Shields and Newcastle, besides the above number of 163 belonging to Sunderland. A gentleman of Newcastle, who has lately written an ingenious commercial essay, says, "A nation possessed of numerous seamen, one would suppose, could seldom be in want of them to man its navy. Yet we find, that in England, we are generally obliged to have recourse to the arbitrary and expensive method of impressing. The chief probable causes why men do not enter, are the uncertainty when, if ever, they may be discharged; and the knowledge of the great increase of wages in the merchant service, always consequent on the breaking out of a press, and during the want of men for the navy. These causes Lieut. Tomlinson, in his excellent plan (which it is supposed will shortly come under the consideration of the legislature) has greatly obviated."

A worthy alderman of Liverpool, who bears the character in that borough, of being the principal promoter of all the late improvements in the navigation there, after deliberately considering Mr. Tomlinson's original plan, wrote to him as follows: "I have heard and read many schemes to prevent impressing, and I acknowledge your scheme to strike the nearest to the mark, of any thing I ever met with, especially that main inducement, of seamen not being liable to serve again, after three years service: this I communicated to a Sunderland seaman, who is a harpooner in a Greenland ship belonging to me, when he bluntly answered: "Master, if seamen were to be set at liberty, after serving three years, the navy would never want men."—The alderman after that says, "I had so great an opportunity of seeing the dismal effects of impressing at this port, during the time of eight regulating captains, that I am assured the impressed men here, who were delivered to the guard-ships, lay in forty pounds a man, great numbers making their escape, even whole tenders' crews; and

many

many merchants vessels, with their cargoes, were lost, by the seamen quitting their vessels. My spirits sink at the thoughts of it, and no person can more ardently wish for a scheme to be found to prevent the calamities which attend impressing; and though (speaking only for myself), I would rather have trade suffer for a time, than government should be in danger, through want of seamen, yet every thing in reason, should give way to prevent the calamities above described."

And in justice to the said alderman's attention, to perfect a scheme of this sort, he made seven objections to certain clauses in Mr. Tomlinson's first plan, and nearly the same having been made also from some other sea-ports, they were all obviated in a revised edition; therefore Mr. Luttrell did not mention those objections. Mr. Luttrell then acquainted the House, that as the authenticity of so material a parchment as he would next produce, was necessary to be established on the best grounds, he had desired a person to attend, who, from his own knowledge, would confirm the voluntary and uninfluenced motives, which occasioned the signature of no less than 513 seamen, at one house, in favour of the principles whereon the bill is founded.

He properly observed, that names were not obtained to the same parchment, in a manner usual with ministerial addresses; these men having their own happiness and advantages immediately at stake, would not easily be brought to sign any thing repugnant to those objects.

Mr. Hance Newsam, the witness at the door, and whose character was so well established, by a most respectable justice of the peace in the neighbourhood (whose letters Mr. Luttrell produced), would convince Parliament, that these seamen had not been wrought upon by money, liquor, or any undue influence, but from their own feelings, and a real sense of what tended to their own interest, as well as that of their country. And the said evidence could farther prove, that many thousand more seamen would have signed, but from an apprehension that the bill would miscarry, and that then their signatures might ensnare them to serve under the present coersion and hardships.

Another important fact, that witness would likewise have established, that there are some thousands of seamen in the interior parts of the northern counties, who would most cheerfully, and instantly, have entered upon the conditions of the plan on which the bill is founded. Mr. Luttrell was likewise inclined to call witnesses to the bar of the House, who

could

could have spoken to the following fact, which must have somewhat disconcerted those members, who confidently assured Parliament that seamen were at liberty to chuse their own ships, and had little reason to complain of their servitude.

Several of the crew of the Glasgow man of war, after having been five years in America, and stood an engagement with *commodore* Hopkins, which was here dilated into a signal triumph, notwithstanding their dutiful petition to return in the same ship, and under those officers to whom they were attached by their common dangers and victories, or else to be allowed to enter on board some one of the ships (not half manned) in Plymouth harbour, and destined for a foreign station, were cruelly forced, without once setting foot on shore, to return again across the Atlantic, in a foundering transport, the most ignominious service imaginable to seamen of their description, with unknown officers, double duty, and a prospect of American captivity. The company of another man of war, which a few months since returned from a foreign voyage, and was dismantled at Deptford, after being abroad five years, only solicited two years pay, and a month's leave to visit their friends after so long an absence; and, by way of assurance to the admiralty that they would return to whatever ship they should be ordered, after the expiration of that month, they would leave three years pay in the hands of government; but, astonishing cruelty! they were denied this reasonable, this needful request, and a tender was sent alongside the ship, when they were all taken out of her, and put on board the Prince George of ninety guns, to take the chance of such service as she might be ordered upon. However, the ministerial side of the House, now being extremely clamorous for the question, and the Speaker seeming to wave the necessity of calling in such evidence to the bar, Mr. Luttrell concluded with the following motion, that "Leave be given to bring in a bill for the more easy and effectual manning of the royal navy, in times of war, and for giving encouragement to seamen and sea-faring persons, to enter voluntarily into his Majesty's service, &c. &c."

Sir *Edward Astley* seconded the motion, and pointed out the cruelty of impressing seamen, from their wives and families, and after long voyages made to the West Indies. He said, it was a most cruel, oppressive, and barbarous practice; and if at all legal, could be justified only on the ground of necessity. That it was a duty incumbent on the legislature, to devise

devise some means to render such a custom unnecessary. He called on every side of the House for their assistance, and hoped, that all party or personal distinctions would, in the present instance, give way to what should be the ruling principle in that House, the public good. Was the present mode of impressing oppressive? Did it fall short of the exigencies of the state? Was it productive of private ill, and public mischief? If so, then how it was possible that a second opinion could prevail within those walls? The principle on which the motion was taken up, was clearly incontrovertible; the means of redress remained only to be considered. Such being the grounds of the present motion, he hoped every gentleman who had turned his thoughts to the subject, would deliver his sentiments freely; and that, from the whole, something would be wrought up, that might be the means of putting a stop to the evils daily felt by the most meritorious body of men in this country, and of removing those well-founded terrors, which hang suspended over the head of every man in the kingdom, who ever had the misfortune to have been at sea. The present plan, was the ingenious invention of a Lieutenant Tomlinson. It might be capable of great improvement. The House might think proper to reject or adopt in part, or the whole. They were not previously bound to adhere to any particular mode of remedying the grievance; to remove it, was their sole object; the manner of doing it was of no consequence.

Mr. *Buller* replied to the facts stated by Mr. Luttrell, contradicted many of them, and controverted the greater part of the deductions drawn from them. Mr. Luttrell having asked, if any one ship of war, fitted out since the press-warrants were issued, had its full complement of men on board? Mr. Buller replied in the affirmative, and asserted generally, that by the latest accounts, every ship commissioned since the impress had their complements nearly full.

Mr. *Luttrell* returned to his first assertion, and said he was ready to give up the point, if Mr. Buller, or any other commissioner at that board, would rise and specify a single ship which had, by the last returns received at the admiralty board, its full complement, if commissioned since the press-warrants were issued. He repeated the most material articles, respecting the deficiencies on board the royal fleet, and urged the lords of the admiralty to decide the point, by producing the last weekly account, which never, till the present naval administration, were denied to Parliament, upon a motion from either side of the House.

Sir *Hugh Palliser* declined giving a specific answer touching the full complements of the ships; but affirmed, that the whole fleet now fitting out and preparing for sea, would be completely manned in a very short time, and much sooner than any naval force that could be sent out by France or Spain, and in every respect superior in strength to any force it was possible for either or both of those powers, by their utmost exertions, to fit out or equip.

Sir *George Yonge* supported the motion, on the grounds of expedience, and the cruelty, terrors and hardships the British seamen were exposed to, while they were subject to be dragged from their wives, children, and dearest domestic connections; said that the *onus* would lay on young single men, who would be encouraged to enter voluntarily, on having a prospect of being provided for in the latter part of their days.

Governor *Johnstone* spoke, as a professional man. He declared his dislike, nay, his abhorrence, of the present mode of manning the navy, by issuing press-warrants. He observed besides, that though no motive of humanity were to operate on the House, the very tedious and ineffective manner the pressing service was carried on, was a sufficient reason with him, to see and discover if any other mode, more expeditious and efficacious, could be devised. He would support the motion, because it was apparently well intended. It was no partial scheme which was offered to be adopted, or rejected, *in toto*. No member in the House was bound to abide by it. On the contrary, it was the duty of every member, to do all in his power, in this stage, to throw out his sentiments on the subject, in order to enable the honourable gentleman, to whom the public stood so highly indebted for even the attempt, to render the bill as complete and unobjectionable as possible, on its first introduction into the House. He professed his total ignorance of the plan, or what were the intended objects of the bill, farther than the terms of the motion conveyed: but he wished, nevertheless, that the House should be in possession of it, as the first step to a reformation of an abuse of legal power, or a violation of the laws (take the custom of pressing in either sense) so loudly complained of.

Lord *Mulgrave* agreed in the justice of the remark quoted by Mr. Luttrell, from Montesquieu, that when any law is proposed, which indicates more good than evil to a state, such law ought to be received. But he said it was no less true, that institutions, which had been proved useful, by long invariable practice, should not be lightly changed, upon the suggestion

gestion of evils which either did not exist, or bore a very small proportion to the advantages arising from the measures that produced them. This, he said, was the case of pressing, which had always been practised in this country, in times of war, or appearance of war; that the flourishing state of our commerce, and the superiority which our navy had always maintained, were the best proofs of the advantages of that mode of manning. He said the House should, therefore, be very careful how they admitted any plan, which might express to the public their disapprobation of the present method, unless they were convinced that one, attended with more advantages, and less inconveniencies, could be adopted, as they would otherwise risk no less than the destruction of our commerce, and annihilating the navy.

He said, however, that if the present method were unconstitutional, it would be a strong motive with him, for considering any plan, however unpromising, which might give any hopes of removing an objection so alarming in a free country; or, if this matter had never been discussed before, it might be a reason for examining with great attention, any plausible plan; but as neither of these seemed to be the case of the present motion, he must oppose it.

He said, he never could consider a measure as unconstitutional, which originated from one of the fundamental principles of the constitution of every free and warlike people, *That it is the duty of every individual to defend his country when attacked, and to protect its liberties and assert its honour.* By the constitution of this country, anciently, many estates were held by the tenure of serving the King in war; and that, in case of invasion, every body was compelled to bear arms; the seamen were always obliged to defend the commerce, and protect the coasts; that, by the militia laws, men were compelled to serve for three years, at much less than they could earn in their own occupations; that the great disproportion between the number of inhabitants and of militia-men necessary, and the certainty of finding those men, made a limited service, and the taking by lot, practicable; but that the men on whom the lot fell, were absolutely pressed, and all the hardships so emphatically described, but improperly attributed to seamen, might be pleaded in their favour, who were taken from their families, and deprived of the means of supporting them. That all what had been said of the hardships landmen had been exposed to, had nothing to do with the press-warrants, which only authorized the impressing seamen; and that if any abuse

had been made of them, the persons were amenable to justice, and the parties injured had their legal remedy. But he was happy to find, that no such abuse, by sea-officers, had been stated by Mr. Luttrell: the story of the Leicester men, on which so much stress was laid, had nothing to do with either navy officers or press-gangs, but was a transaction of country justices and a militia serjeant, under one of the vagrant acts.

He said, that no objects had been more fully considered, or more wisely provided for, than the encouragement of seamen, and the manning of the navy; more than twenty different acts, to answer those purposes, having passed, from the time of the register act, in 1696, to the present time.

He then stated many advantages provided by those acts. He added, that he could not help observing, that as often as this matter had come under the consideration of Parliament, a doubt had never been expressed of the necessity, expediency, and propriety of pressing; but, on the contrary, during the Whig ministry of Queen Anne's reign, a period when the constitution was as well understood, and as strictly adhered to, as at any time in the annals of this country, a committee appointed in the year 1705, to consider of the most effectual methods for manning the navy, had come to several resolutions to enforce pressing, authorizing justices of the peace, and others, to search for seamen lying concealed, offering rewards for discovering them, and inflicting penalties on such as concealed them. The present scheme, he said, had not even the claim of novelty to their attention, as one similar to it, but not so exceptionable, had been proposed in a pamphlet published by one Hodges, in King William's reign, the year before the register act, when this subject was under the consideration of the legislature. He said, that if the cause of pressing was considered, it would immediately be seen how improbable, if not impossible, it must be, to man the navy, in war, by any other means. That the present proposal seemed to proceed upon an idea, of the King's service being so disagreeable to the seamen, as to make some new encouragement necessary, to induce them to enter into it: but the contrary is notoriously the fact; as it is known that, upon the ordinary peace establishment, the navy is always manned by volunteers; for although the nominal pay on board the fleet, is less than in merchantmen, yet not being subject to the deductions and impositions too often met with in them; from the employment being constant, the work lighter, the provisions better, together with the prospect of preferment to the

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meritorious, and the certainty of provision for those who were disabled, by accident or infirmity, the seamen prefer the navy to merchantmen. He said it was not difficult to account for the change of sentiments in war: every body knows the effect of a demand for labourers, in every branch, on the price of labour: this was sensibly felt on an armament: the merchants were obliged to give greater wages, to induce men to quit other ways of life; and, under these circumstances, it was not to be expected that any thing but compulsion would bring seamen, at the usual wages, into the navy. The fate of the register act (which, after a trial of fifteen years, at above 500,000l. expence, was repealed, as having produced no good effects, but occasioned much charge, vexation, and trouble) proved how ineffectual prospects of future advantage were, when put into the scale, against the temptation of a great present increase of wages.

The expedients proposed by this plan, would be found either impracticable, inconvenient to the state, or injurious to the seamen. A limitation of the time of service in war, without entering into arguments of the inexpediency and impracticability of discharging disciplined men, to receive others in their room, at the moment of going upon service, or in distant countries, would be found impossible, when it was considered, that the whole stock of seamen in the merchant-service, in peace, did not exceed 60,000, and that the number employed as such in a war, in the navy alone, amounted to 80,000: that it required no less than the enormous wages given by the merchants, in war, to tempt foreign seamen and natives, from other occupations, to go in their ships, aided by the many wise regulations and encouragements provided by the legislature to supply that stock, without affording enough for a rotation; that this country was not in a situation to make such an increase upon the pay in the navy; and Mr. Tomlinson seemed to be aware of that, and proposed a limitation of the pay in merchantmen; which, so far from tending to man the navy, would cut off the source from which it was supplied, and instead of benefiting, would materially injure the seamen; at present, those men who were pressed at first, were no worse off, in point of pay, than if no press had taken place (to which the rise of wages must be attributed), and every man who escaped the press, was benefited by the advance of wages, in proportion to the length of time he escaped: that the power of pressing was not open to the temptation of abuse, as those only who ought to be the objects of the press,

were those whom the officers would wish to take. It was not, as had been represented with so much eloquence, "To drag the unoffending subject from his house and settled means of livelihood, to adopt a new way of life, for which his limbs and faculties are the worst calculated and fashioned by his Creator"—It was not the weak, timid, infirm landman, but the active, healthy, brave and practised seaman, that was to be taken; and though it might be natural enough for such men to prefer enormous gain, to the service of their country, he could not think them too hardly used, if they were compelled to defend that commerce, when attacked, to which, in times of security, they owed their support; to assert the honour of their country, and share the spoils of her enemies, and to vindicate their right, by their own actions, to the name of an English seaman, which carried with it respect in every part of the world. He concluded by saying, the question now was, whether the House would adhere to a practice, authorized by the spirit of the constitution, and justified by the successful experience of all the wars of this country, or, by adopting the motion, endanger the existence of our commercial interests and naval power?

Sir *Geo. Savile* said, this was the first time he had ever heard it asserted, in the same debate, that neither peace nor war was a proper time for reformation. Some gentlemen said, war was not the proper time for innovation, or reformation; other gentlemen made a similar objection to a season of peace. He begged leave to retort a simile in support of his sentiments, on this species of ministerial logic. A person who had a fire engine to dispose of, offered it to his neighbour for sale, in order, as he said, to preserve his house from fire. The neighbour replied, No, I do not want it, my house is not on fire.—Anon, his house is on fire; he applies to the owner of the engine, and tells him how much he is in want of it; but is answered, that it has been long since disposed of.

Mr. *Luttrell* rose again, in reply to Lord Mulgrave, observing that the noble Lord's ship, he made no doubt, was completely well manned, for the seamen had received very liberal bounties on board the Ardent, in addition to what was allowed by the crown; and she was perhaps the best manned among all the guard-ships of the former peace establishment, at the time the noble Lord was appointed to be her captain. He now presumed that the House was fully convinced, that no other ship of the line, commissioned since the press-warrants, was nearly equipped, so as to be able to venture to sea.

Right

Right Hon. *T. Townshend* said, it was the first time he ever heard a syllable offered against the principle of such a bill; or the present mode of pressing for the sea service defended. There had not been a great man, who directed the affairs of this country for the last century, who did not acknowledge the necessity of framing some law, to prevent the evils proposed to be remedied, by a bill of the nature now moved for. There might have been differences in opinion as to the provisions of the bill, but never a single difference, as to the propriety of providing a certain number of seamen, within a certain period, on the probable approach of a war, or the time of being actually engaged in one.

Attorney General said, he never recollected, in his experience in Parliamentary proceedings, that a motion was made to bring in a bill, without at the same time explaining the heads and main objects of the bill to the House, in order that the House might be enabled, in the first instance, to judge of its propriety. The honourable gentleman who made the present motion, had evidently departed from that fundamental rule of Parliamentary usage; and, as he had, he should oppose the motion.

The question was put, and the House divided; including the tellers (Mr. Luttrell, Sir Edward Astley), for the Ayes 54; (Mr. Buller, Mr. Penton, lords of the admiralty), for the Noes 108.

A BILL, for the more easy and effectual manning of the royal navy, and for giving encouragement to seamen and sea-faring persons, to enter voluntarily into his Majesty's service, &c. &c.

PREAMBLE.

WHEREAS the welfare and prosperity of his Majesty's dominions, are greatly concerned in giving all due encouragement to seamen, and others, to enter voluntarily into the royal navy; and whereas the undetermined time for which seamen and sea-faring persons, are compelled to serve on board the ships of his Majesty's fleet, is an obvious discouragement to them, and a principal cause of their reluctance to the public service; and whereas many new provisions and regulations respecting seamen and sea-faring persons, are at this time highly advisable and requisite.

SECTION I.

Be it enacted, and it is hereby enacted, that from and after [the passing of this act] every able seaman, who shall voluntarily offer himself, and be received, to serve on board the royal navy, in the manner,

and within the time herein-after limited and prescribed, such able seaman shall be allowed thirty shillings per month wages, of twenty-eight days, and shall not be required to serve longer than the term of three years, from his first muster, on board any one of his Majesty's ships or vessels of war.

I.—1. The pay of the seamen serving in the royal navy, has not been increased since the reign of King William the 3d.

2. The term of service not commencing until they are mustered on board, will excite the seamen to diligence in getting to the King's ports with all dispatch.

Section II.

And be it also enacted, that every ordinary seaman, who shall, from and after [the passing of this act] voluntarily offer himself, and shall be received, to serve on board the royal navy, in the manner, and within the time hereafter limited and prescribed, such ordinary seaman shall be allowed twenty-four shillings per month wages, of twenty-eight days, and shall not be required to serve longer than the term of five years, from his first muster, on board any one of his Majesty's ships or vessels of war.

II. Ordinary seamen having a part of their business to learn, it is generally agreed to be reasonable and necessary that they should serve longer than those who are adepts in their business: and as there is no place so proper for improvement as a man of war, they would have the advantage of making themselves perfect in every part of seamanship.

Section III.

And for the encouragement of able-bodied landmen, be it further enacted, that, from and after [the passing of this act] every able-bodied landman, of the age of twenty-one years, or upwards, and under the age of thirty-eight years, who shall voluntarily offer himself, and be received to serve on board the royal navy, shall have twenty-two shillings per month wages, of twenty-eight days, and be required to serve only six years, from his first muster, on board any one of his Majesty's ships or vessels of war.

N.B. These three classes of able-seamen, ordinary seamen, and landmen, are precisely and distinctly ascertained according to the present rules of the royal navy.

III. Landmen entering into the navy at twenty-one years of age, would be free from all obligation to serve their country at twenty-seven years old, when they would be entitled to many benefits which they could not hope to obtain by staying on shore.

Section IV.

Provided always, and be it understood that, if any seaman, after having served the full term in the royal navy required by this act, shall

shall be desirous to re-enter for the naval service, and shall, upon his own solicitation, be received or continued on board any of his Majesty's ships or vessels of war, such re-entry shall be considered to make the said seaman liable to a further service of three years, if his said further service should, without interruption, be so long demanded, or unless the lords commissioners of the admiralty shall judge proper to discharge him sooner; but during such additional voluntary service, he shall be allowed thirty-two shillings and sixpence per month wages, (of twenty-eight days), from the time of such re-entry, to the time of his discharge, and shall be exempt from serving on juries or parish offices when on shore.

IV. 1. Much pains have been taken, among merchants, ship owners, and seamen, as well as amongst professional gentlemen of the royal navy, to ascertain the necessary time, for each of the above three classes of people to serve, and after much consideration and argument, by far the majority of opinions have been in favour of the terms, fixed as above. Sec. 2d and 3d.

2. There can be no danger of the fleet being dismantled or distressed through the want of able seamen, at the expiration of the first three years; because if none of those entitled to their discharge, should chuse to re-enter (which it is contrary to reason to suppose, when the extraordinary encouragements offered them by the subsequent clauses of this bill are considered); the ordinary seamen, after three years service, must necessarily be qualified to be rated able seamen; the landmen also must become good ordinary seamen, and there must of course be a regular and continual succession of all the three classes, from volunteers, apprentices, and other common resources.

3. The author of the pamphlet, entitled, "The Rights of the Sailors vindicated," asserts, there are 120,000 seamen, and people who come under the denomination of sea-faring persons, in Great Britain. Others compute them at 130,000. If so, surely there can be no doubt of the certainty of recruiting 10,000 able and ordinary seamen from that number, once in three years, even admitting so many as 10,000 should be wanted, which is highly improbable. But it is manifest from the 2d note to this section, that landmen only would suffice, to make up the complements, if seamen should be scarce; which to suppose would be the greatest absurdity, after these incentives are given to the sea profession.

4. In 1759, when our most important naval victories were gained, government voted 60,000 seamen, including about 15,000 marines, and there were near that number of officers of various ranks, servants, &c. and about 700 men for ordnance sea service. It is highly probable that, *communibus annis*, the number of 60,000 are as many as will be voted in a future foreign war, and conformable with this bill, there can very little charge attend the raising of seamen, neither will bounty-money be needful. It has been admitted by a gentleman now in high office in the naval department, that the men raised for the royal fleet, by an impress, cost government full 30l. per man, one with another, therefore, suppose 10,000 men only, when 60,000 are voted, thus supplied in the course of the first year of the war, the charge will be 300,000l. besides the additional levies every subsequent year, to supply deficiencies, from death, desertion, &c. which cannot be estimated at fewer than 3000 men, to be raised by such means as would incur the expence of full 30l. per man, amounting to 90,000l. per annum. Suppose then, a war of five years duration, the sum total of expence from impressing will amount, as above, to 660,000l.: but the whole of the additional wages of this bill, for petty officers, able seamen, ordinary seamen, and landmen, supposing the said number of 60,000 to be employed for five years, would be only 310,000l. at the utmost, so that it is manifest, there must, in times of war, on this calculation, be a saving to the nation of at least 300,000l. in five years.—But were we narrowly to investigate the matter, the saving would be demonstrated far beyond what we here state.—Trade and commerce lose at least one million annually in times of impressing, besides the advanced price consequent thereto, on coals and other necessary articles of life, to every consumer. There is likewise a previous and continual tax upon the individual trader from admiralty protections.—We believe it will be admitted by the professional gentlemen in general, that a seventy-four gun ship, with a complement of 600 men, and manned conformable to this plan, would in the eye of every experienced captain of his Majesty's navy, be in a more eligible condition, both as to navigating the seas, and engaging the enemy, than 650 men, according to the present mode of supplying their crews; and in case of war, we should, at the fewest assuredly, have twenty-four sail of seventy-four guns employed, which

which alone would make a saving of 1200 men, and that alone, at the parliamentary allowance of 4l. per man a month, is 62,400l. per annum, which, in a five year's war, would be 312,000l. The charge to the nation in times of peace, in consequence of this bill, when 16,000 men are voted, which is the ordinary peace-establishment, could not exceed 20,000l. per annum.—It will scarcely be credited (though an incontrovertible fact), by people who are not observant, that this nation has been burthened, and harassed with an impress, in a greater or lesser degree, for twenty-two years out of the last thirty-eight years.

Section V.

And be it further enacted that, from and after the expiration of the full term of obligatory or voluntary service or services, as aforesaid, all and every seaman or sea-faring man, shall, upon requisition, agreeable to the form No. 1, in the schedule to this act, by him duly made, or signified to the captain or commander of such of his Majesty's ships or vessels, belonging to which, or of the crew of which he may happen to be, at the expiration of his term of service become entitled to, and if in any of the ports of Great Britain or Ireland, shall receive his discharge, and be at liberty, at a certain time to be determined by the discretion of the captain or other officer, under whose command he shall then actually serve; and such time so appointed for his discharge, shall upon no account whatsoever, exceed the space of forty days, from the date of his requisition. Yet as the extraordinary emergency of the times, or some unavoidable necessity, may cause it to be indispensably requisite for seamen on foreign stations to be kept a longer term of service in the royal navy, than is stipulated or proposed by this act, it shall, and may be lawful, and it is hereby declared lawful, to with-hold and detain such seamen so employed on foreign stations, beyond the space of forty days, as aforesaid; but be it understood, that such necessity shall be dispensed with as early as possible; and every seaman shall, during such further compulsion, and no longer, be entitled to, and receive, at the rate of thirty-five shillings per month wages, of twenty-eight days.

V. The additional encouragement given to seamen re-entering, can be but a trifling expence to the nation, and may be attended (among many other advantages) with causing merchants to bring up more seamen in their service than they would otherwise do.

Section VI.

And whereas, in times of war, the scarcity of midshipmen, quarter-masters, and other petty officers, renders it frequently necessary for the captains of his Majesty's ships, to promote seamen from before the mast, to those stations; therefore, as a further encouragement to such seamen as shall desire to re-enter, and shall be received, after the expiration of their limited term of service in the royal navy: be it further enacted, that all captains and commanders of his Majesty's

ships

ships and vessels of war, who may have such seamen on board as shall be found to merit promotion, do in all cases, as aforesaid, give a preference to those seamen who shall have served their limited time in the royal navy. And as an additional inducement to seamen to re-enter into the King's service, and to strive to render themselves worthy of being promoted to the stations of petty officers; and also for the encouragement of all mates, midshipmen, and petty officers, who may be appointed to serve on board any of his Majesty's ships of war—be it farther enacted, that from and after the passing of this act, the pay of all such mates, midshipmen, and petty officers, shall be regulated in the manner expressed by the table annexed in the schedule, No. 2, whereby all their wages, below a second rate, will be considerably increased.

VI. The choice seamen have been discouraged from entering as petty officers in small ships of war, where (they say) the wages even of a quarter-master, or gunner's mate, is but 24s. 6d. per month, clear, and their duty unspeakably harder than in a first rate, where those petty officers have 33s. 6d. per month, clear; but the encouragement given in this section, entirely removes that objection.

Section VII.

And for the better encouragement of married seamen, sea-faring men, and landmen, to enter themselves voluntarily into his Majesty's naval service, and to prevent their wives and families from being left in distressed circumstances, or becoming burthensome to their parishes, be it further enacted, that all such married seamen, sea-faring men, or landmen, who shall voluntarily offer themselves, and be received to serve on board any of his Majesty's ships or vessels of war, such married seamen, sea-faring men, or landmen, shall be allowed to remit to their wives or children, two months wages, at the end of every six months, as their pay becomes due, leaving only four months wages in arrears, instead of six months, when twelve months wages are due, as directed by an act passed in the 31st year of the reign of his late Majesty King George the Second, which empowers seamen serving in the royal navy, to remit their wages to their wives and families; and the money shall be remitted in the manner directed by the said act. And all such married seamen, sea-faring men, or landmen, who shall voluntarily enter to serve in the royal navy, as aforesaid, shall, as a further encouragement, be allowed two month's wages in advance, to be paid for the use of their wives or children, by the collector of the customs or excise, nearest their respective places of residence, when the husband has received three musters on board any of his Majesty's ships or vessels of war; and that upon producing a certificate thereof, agreeable to the form in the schedule, No. 3, together with an authenticated certificate under the hands of the minister, and one of the churchwardens or the overseers of the poor of the parish, where he and she were married, or they [the children]

children] were born; testifying that she is the lawful wife, or that they are the legitimate children, of the said seaman, sea-faring man, or landman, and their respective wives; and which minister, churchwarden, or overseer, are hereby required and directed to deliver such certificate so subscribed, without taking any fee or other reward for the same; and which certificate shall be the proper voucher for the said collector of the customs or excise, to the commissioners or treasurer of his Majesty's navy, who are hereby authorized and required, upon producing such certificate, to order and direct the payment of such wages accordingly; and any collector refusing or neglecting to pay as aforesaid, shall forfeit the sum of twenty pounds to any person or persons suing for the same, to be recovered by an action of debt, in any of his Majesty's courts of law.

Section VIII.

And whereas seamen and sea-faring persons, taking advantage of times of war, always insist upon very extravagant wages, by which the trade of this nation has laid under great difficulties, and the manning of the royal navy has been very much injured, and that such difficulties and impediments may henceforward be removed, be it enacted, and it is hereby enacted, that [from and after passing this act] no person or persons, bodies politic or corporate, shall by themselves, or by any other person or persons, directly or indirectly, by way of gift, loan, premium, deposit, or any other device or contrivance whatsoever, give or pay, or agree to give or pay, to any common seaman or sea-faring man, or any person employed, or to be employed as such, on board any merchant-ship or vessel; nor shall any seaman, mariner, or sea-faring man, or other person, as aforesaid, on their behalf, directly or indirectly, take or receive more wages, pay, or hire, than after the rate of forty shillings per calendar month, upon any voyage where seamen are employed for any specific time; except where it is usual for seamen and sea-faring men to sail by the voyage, as in the coal and coasting-trade, which shall be regulated in manner following, to such seamen and sea-faring men as are British subjects—that is to say, no person or persons, bodies politic or corporate, as aforesaid, shall give or pay, or agree to give or pay, to any common seaman or sea-faring man, more wages than three pounds for a voyage, from any port in the Frith of Forth, or to or from the ports of Leith, Blythe, Hartley, Shields, Newcastle, Sunderland, Hull, or Lynn, to London, and back again. Nor shall any such person or persons, as aforesaid, give or pay to any seaman or sea-faring man, more than the sum of forty shillings for a voyage to or from the ports of Whitehaven to Dublin, and back again; or to or from any port on the coasts of Cumberland, Lancashire, North or South Wales, and back again; or to or from Dublin, and back again.

again. And all contracts, agreements, bonds, notes, writings, instruments, and securities, of what nature or kind soever, for the paying or receiving more, or greater wages, pay, or hire, than as aforesaid, contrary to the true intent and meaning of this act, if made and entered into [from and after the passing of this act], are hereby declared to be, and shall be absolutely void to all intents and purposes whatsoever. And if any person or persons, bodies politic or corporate, shall give or pay, or agree to give or pay, to any seamen or other person, any more or greater wages or hire, than as aforesaid, contrary to the true intent and meaning of this act, such person or persons, or bodies politic or corporate, shall forfeit the sum of fifty pounds, for every such offence committed in violation of the true intent and meaning of this act, to be recovered by any person suing for the same, by action of debt-bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the courts of exchequer, in that part of Great Britain called Scotland. And any master of a ship or vessel, so offending, on legal proof thereof, before any one of his Majesty's justices of the peace, shall be subject to a forfeiture of 50l. to be recovered as aforesaid; and each, and every seaman, or sea-faring man, so offending, shall forfeit ten pounds, or suffer three months imprisonment, upon being legally convicted of the said offence. And in order the more effectually to prevent any abuse or evasion of the foregoing provisions, be it farther enacted, that merchants, owners or masters of any ship or vessel, or other persons on their behalf, shall not, after the passing of this act, agree with, or engage any seaman, or sea faring man, to serve him or them, or any of them, at sea, by the month, voyage or otherwise, but by a written or printed agreement, specifying the wages such seaman or sea-faring man is to receive; to which there shall be at least one credible witness, whose occupation and place of abode shall be inserted in the said agreement, and that no masters or owners of any ship or vessels, shall be bound to pay, nor shall any seaman be entitled to sue for any wages earned in the merchant's service, but under such agreement. Provided always that nothing herein contained, shall extend, or be construed to extend, to such seamen, as may have actually completed the term which they are required by this act to serve in the royal navy, and shall produce a certificate of such service, agreeable to the form annexed in the schedule No. 4.

VIII. 1. A precedent for limiting seamen's wages, may be found in an act of Parliament, made in the 14th year of the reign of his late Majesty King George the IId. chap. xxxviii. sec. 4, where it is enacted, That no more than thirty-five shillings per month, shall be given to seamen, either by individuals or bodies corporate. Were there no precedent of that kind, the propriety and the expediency of such regulation are obvious.

2. A late

2. A late author, who published a plan for preserving the maritime commerce and power of this nation in time of war, says, "That the consumers of all sorts of goods and merchandizes throughout the kingdom during last war, lost many millions, which, upon due inquiry, will appear to be chiefly occasioned by the exorbitant wages paid to the seamen, &c. and the stagnation of our navigation, through a scarcity of such people, and the tardy operation and returns upon commerce."

SECTION IX.

And be it further enacted, that respecting all such seamen as may have served the full term required by this act, a certificate shall be given to each and every of them, without fee or reward, on the day of their discharge, agreeable to the form specified in the schedule to this act, No. 4, expressing the time, and the names of the ships wherein they have served, as likewise a description of the person to whom such certificate is given, which shall be the protection of such seaman from being farther required to serve in the royal navy, at all times, and in all places. Or if, upon paying off any one or more of his Majesty's ships or vessels of war, those seamen or sea-faring persons, who have not served the full time required by this act, upon their being so paid off, shall also have certificates, agreeable to the form No. 4, aforesaid, which shall be considered upon future occasions, as such a part of the term required by this act; and when completed by their future service in his Majesty's navy, in the manner prescribed hereby, they shall be entitled to all the benefits this act proposes, in the same degree as if they had served the whole term without intermission, which shall be certified as aforesaid, when such service ends. And to all persons producing such certificates, provided that they answer to the age and description therein expressed, it shall be lawful for any merchant, owner, or other person or persons, to give to such seamen, &c. whatsoever wages the parties shall agree upon, any thing contained in this act to the contrary notwithstanding.

SECTION X.

And whereas some old seamen, through age and infirmities, may be in distress, and so unable to gain a subsistence, as to become burthensome to parishes; be it further enacted, that all able seamen who are under forty-four years of age when they enter to serve in the royal navy, shall be entitled to receive and enjoy the following pensions, at fifty years of age; and all above forty-three years old when they enter, shall receive the pensions, as hereafter allotted, in four years from the day of being entitled to their *first* discharge; viz. five pounds per annum, for all above fifty years of age, who have served three years as able seamen; six pounds per annum, for all above fifty years of age, who have served four years as able seamen; seven pounds per annum, to all above fifty years of age, who have served five years as able seamen; *and eight* pounds per annum, to all above fifty years of age, who

who have served six years as able seamen, in any ship or vessel of war, belonging to the royal fleet; and which shall be paid to them, or their lawful attornies, even though they should be pensioners of the chest at Chatham, in two half-yearly payments, by the treasurer of his Majesty's navy for the time being, as they become due, viz. one payment on the 2d of January, and the other payment on the 1st of July, and shall be recalled on the usual recall days, once in every month. But the said attornies shall be required to produce, at the same time, a certificate signed by the minister and overseer of the poor of the parish where they reside, that such seaman is living, and such certificate shall be agreeable to the form in the schedule, No. 5. And as the vacancies fall out in the royal hospital at Greenwich, they shall be filled up with such old seamen as may be pensioners upon this establishment; and in that case, when they are so appointed, the pension given under this act shall cease, as to them, from the day of their being received into the said royal hospital at Greenwich.

X. The pensions mentioned in this section are intended for able seamen, ordinary seamen, and landmen, indiscriminately; but by way of preventing old and infirm seamen from entering into the service, merely for the sake of obtaining the pension, it is proposed, that all above forty-three years old when they enter, shall not be entitled to the pension, until four years after the day of being entitled to their discharge, having fully completed the service hereby prescribed.

Section XI.

And whereas, not only the strength, but the safety of this nation, may upon some future exigency depend upon furnishing and supplying the royal navy expeditiously with a competent number of seamen, and sea-faring persons, for a general, or particular service; and whereas the great encouragements and advantages held out to them by this act, are meant to be confined to such seamen and sea-faring men only, as shall enter with alacrity into the royal navy, when their services shall be required, be it enacted, that from, and after, the passing of this act, and upon commencement of, or arming for, war, it shall and may be lawful for his Majesty in council, to publish a proclamation, requiring seamen, and sea-faring men, immediately to enter into the royal fleet; and with which proclamation shall be published, as an encouragement or incentive, section xii. and xiii., xxvii. and xxviii. of this act. And copies of the said proclamation, &c. shall be forthwith sent to the minister or churchwardens, and to the civil chief-magistrate of every city, borough, town-corporate, or district, in Great Britain, who shall cause the same to be immediately affixed against the church, or chapel door, or most conspicuous place or places, within such cities, boroughs, towns-corporate, or districts; and the lords commissioners of the admiralty, shall dispatch proper officers,

officers, to all the cities, boroughs, and principal towns and sea-ports in Great Britain and Ireland, to receive and enter such seamen, sea-faring men, or landmen, as may be fit for his Majesty's service, and shall voluntarily offer themselves to serve in the royal navy, within twenty-eight days after publishing such proclamation in the London Gazette; all which said seamen, sea-faring men, and landmen, so offering, and being received within twenty-eight days as aforesaid, shall be fully entitled to, and enjoy all and every the privileges, benefits, advantages, and immunities, contained in this act, as well with respect to their limited term of service as otherwise.

XI. 1. This section offers such privileges and advantages to seamen, to encourage them to enter voluntarily into the navy, as they never yet experienced, and render government quite excusable, if they should be constrained to put section xii. in execution.

2. Those regulating officers should, perhaps, be lieutenants, two at each principal port, and one at each of the lesser ports, and wherever seamen are supposed to rendezvous; and as there ever have been two, three, or four lieutenants, at all the principal ports in Great Britain and Ireland, exclusive of the regulating captains, besides many tenders, &c. commanded by lieutenants, no expence thereon is necessary to be deducted.

Section XII.

And whereas, by an act of Parliament, passed so early as the second year of the reign of King Richard the Second, entitled, An act, &c. it was made lawful for all sheriffs, mayors, and bailiffs, within franchises and without, to take and detain all fugitive mariners: be it therefore enacted, that from and after the expiration of twenty-eight days from the time of publishing the royal proclamation, as aforesaid, for manning the navy, if any seamen, or sea-faring men, in contempt of such royal proclamation, shall willingly, obstinately, and voluntarily withdraw, hide, or convey themselves into secret places, or shall abscond, and not enter themselves into his Majesty's naval service, in the manner and within the time aforesaid, that is to say, within the space of twenty-eight days after publishing the aforesaid proclamation of his Majesty in council, such seamen, or sea-faring men, shall be deemed, and are hereby deemed to all intents and purposes, *fugitive mariners*; and all justices of the peace, constables, and other inferior peace officers, shall, by the authority of any one or more of his Majesty's justices of the peace, secure, or cause to be secured, all such seamen, and sea-faring men, who shall be conveyed with due dispatch to the nearest port, where there are any of his Majesty's ships or vessels of war. And such one or more of his Majesty's justices of the peace, by virtue of whose power and authority, seamen, or sea-faring persons, are so apprehended and conveyed, shall limit what rates and allowances, by the mile, or otherwise, shall be made, for conveying or maintaining such fugitive seamen, and make such other orders for the more regular proceeding therein, as they shall think proper *; and such justice

* Vide sect. xv. cap. 5, 17th George II.

justice or justices, shall cause the sum of forty shillings for every such seaman, or sea-faring man, so apprehended, to be paid to the constable, or peace-officer, who shall apprehend him or them, by the overseer of the poor of the parish, who shall be allowed, upon settling his accounts for such parish, to draw upon the treasurer of his Majesty's navy, for the time being, for such sums as he may have advanced on the said account, which bill, or bills, shall be also endorsed by the justice, or justices, who gives the order for payment, which shall be sufficient authority for their being accepted. And the aforesaid sum of forty shillings shall be stopped out of the growing wages of the ship wherein such seaman may be ordered to serve. And be it further enacted, that every seaman who may be abroad, or at sea, when such proclamation is published for manning of the royal navy, such seaman shall be required to repair to, and enter his name with the regulating-officer (or principal officer of his Majesty's revenue) where he may first arrive, and that within forty-eight hours after his first arrival in any port of Great Britain, whenever his Majesty's proclamation for manning of the navy shall be in force: but upon his neglecting to do so, he shall be considered as a fugitive mariner, and shall be subject to the fines and penalties accordingly. But upon his entering in the manner, and within the time aforesaid, and taking the oath specified in the schedule, No. 6, he shall be allowed ten days to obtain his wages and settle his concerns. And that no one may plead ignorance respecting such proclamation, it shall be made known to the company of every merchant ship or vessel immediately upon her arrival, by the officers of the revenue, in those ports where there may happen to be no ship, tender, or other vessel of war belonging to his Majesty.

XII. We cannot suppose that seamen will refuse to serve in the royal fleet, upon the encouragements held out to them in the eleven preceding sections.

Section XIII.

And for the better discovery of such seamen or sea-faring men, who shall secrete themselves or with-hold their services, be it further enacted, that all such sea-faring persons who may be in any part of Great Britain, and who neglect to embrace the benefits and advantages held forth to seamen hereby, for more than twenty-eight days after publishing the said royal proclamation, shall be secured, and be liable to serve in his Majesty's navy the whole war, or longer, at the discretion of the lords commissioners of the admiralty. But such seamen or sea-faring men who may be sick, and shall signify their names and places of abode at any time within twenty-eight days after publishing the said royal proclamation, to the nearest regulating-officer, they shall be taken care of by the surgeon attending the sick-quarters at that port, until it may be proper to send them on board one of his Ma-

jesty's ships or vessels of war. But lest the care and indulgence hereby meant for the benefit of the seaman, should be abused by impostors, the term of his service shall not commence until his first muster on board. And every seaman, and sea-faring man, who shall not voluntarily enter within the twenty-eight days, as aforesaid (except such as may be abroad, or at sea) all such seamen, and sea-faring men, liable to serve within the true meaning and limitations of this act, are hereby declared unworthy of it; therefore shall not be entitled to any of the benefits, privileges, and advantages, held forth to them in sect. VI. and sect. X. of this act; neither shall any such seamen, or sea-faring men, be entitled to exemption from serving the whole war, or such other term as the lords commissioners of the admiralty may direct; any thing herein contained, or any law or statute to the contrary notwithstanding.

Section XIV.

And be it further enacted, that whenever it shall be found expedient to arm for war, every commissioned officer belonging to the royal navy, shall be allowed to visit any British ship or vessel which he may meet with at sea, and to take the names and descriptions of all sea-faring persons on board such ships or vessels, with the names of the places to which they belong; and it shall be lawful for him, to tender the oath specified in the schedule, No. 6, to every person on board such ship or vessel (except the master, mate, carpenter and apprentices, having protections signed by the lords commissioners of the admiralty, agreeable to the form in the annexed schedule, No. 7), which upon the seamen respectively consenting to and taking, he shall permit him or them to go to that port (if in Great Britain) whereto the ship may be bound; and the said officer shall give to all and each of them, a printed letter of leave, with the figure of the seal of the navy office, testifying that they have taken the aforesaid oath, which letter such seamen shall respectively deliver upon their arrival, to the regulating officer of that port. But in order the more effectually to secure such volunteers from every temptation to desert, no master of any ship or vessel shall pay the wages due to such seamen, &c. on penalty of paying the wages over again, at the suit of any such seaman, until he has made known to the regulating-officer, or to the principal officer of his Majesty's revenue (at such port where there may happen to be no regulating-officer), that such seamen have entered for his Majesty's naval service; and with his report to the revenue officer, shall also give a list of the names of the seamen so entered, with their ages and places of nativity; when such officer or officers, or either of them, shall cause the master of the said ship or vessel, to pay such seaman, seamen, or sea-faring men, the wages due to them, and such ship or vessel shall not be entered inwards

at her delivering port, until that be fairly adjusted. And in case of the absence of the regulating-officer at any port, the principal officer of the revenue shall direct any seaman or seamen so entering, to repair to the nearest King's port, and shall date the commencement of their leave upon their ticket, and sign his name under it, and allow a proper number of days to go to such King's port, at the rate of twenty miles per diem. He shall also pay to such seamen, &c. their conduct-money, at the rate of twopence per mile; but where there is any regulating-officer, all these, and such like concerns, shall be transacted by the said officer, that the revenue servants may not have such business imposed upon them, except in cases of absolute necessity. But a ship or vessel bound to any foreign port in amity with Great Britain, and having on board a regular clearance from the custom-house at the port where she loaded, if visited by any officer, and found to have no mariners on board but such as are actually engaged for the service she may be going upon, shall be permitted to pursue her voyage without let or molestation, upon shewing the said clearances.

SECTION XV.

And to prevent every subterfuge, whereby any sea-faring person might attempt to evade the full intention of this act, no masters of vessels of a less burden than fifteen tons, King's measurement, who have not served his Majesty the full term of three years, in the capacity of able seamen, shall be protected from that duty, after the day of 177

XV. Because such small vessels are fit for nothing but way-laying large smugglers, and enabling them to run their cargoes with greater facility and less risque.

SECTION XVI.

And every person who secretes any sea-faring man upon his or her premises, after twenty-eight days from the time of issuing the said royal proclamation, shall forfeit twenty pounds for the first offence, one half to be given to the informer, the other half to the poor of the parish, or be imprisoned three months; and for the second offence of the same nature, shall be imprisoned six months, the crime being fully proved before one of his Majesty's justices of the peace for the county, riding, or division, wherein such seaman or sea-faring man shall have been so secreted, upon the oath of two credible witnesses. And it shall be lawful for any person to prosecute the offender; and the expences for doing so shall be levied by distress on the goods and chattels of such offender.

SECTION XVII.

And if any man deserts from the naval service of his Majesty, under any pretence whatsoever, a description of his person, age, stature, and place of nativity, &c. shall be given, by an advertisement in three different London evening newspapers, and repeated three times in

each, offering a reward of five pounds for apprehending him; and the expences of advertising shall be paid by the treasurer of his Majesty's navy, out of the wages due to him at the time of his deserting; and if apprehended, the reward shall be deducted from his growing wages, if those due to him before his desertion, should not be sufficient for that purpose: and besides such deductions from his wages, he shall serve any term, at the discretion of the lords commissioners of the admiralty.

XVI. and XVII. We may reasonably hope that there will be no objection to those sections, as their usefulness must be obvious to the most undiscerning. But if it should be said, that making it as a part of the punishment of deserters, to prolong their service, is giving seamen an unfavourable impression of the royal navy, the answer is, that they have their own ideas of it from early prejudice, which no arguments can remove: experience alone must convince them, and they will be convinced, if this bill should be enacted into a law, that the royal navy is the most valuable service which they can possibly enter into, or engage with.

Section XVIII.

But that no inconvenience (which can possibly be avoided) may attend either his Majesty's service, or seamen serving in the King's ships employed either in the East Indies, or upon any other foreign station, be it enacted, that whenever any captain, or commander of the royal fleet, shall have any men on board the ship he may command, who have served the full term hereby prescribed, that he shall be permitted to demand a muster of the company of any British merchant-ship or vessel which may come upon the station where he shall be appointed to serve; and upon finding any seamen who have not served his Majesty agreeable to this act, it shall be lawful for such captain or commander to take such seamen into his Majesty's service, giving, in lieu thereof, an equal number of men who may have served the King, as required by this act, upon such master's settling and adjusting the wages of those seamen whom he discharges.

Section XIX.

And, when the particular exigency of the service shall require that any seaman, ordinary seaman, or landman, shall at any time be turned over from one ship to another, either in Great Britain or abroad, the captain shall give to each of them so turned over, a certificate, agreeable to the form annexed in the schedule, No. 4, signed by himself, the master, the boatswain, and purser, expressive of the exact time which each of them may have served in the ship or sloop, &c. from whence they may be turned over; and the same form shall be given to each and every man who shall be discharged; distinguishing only as the form directs: which form for certificates shall be printed; and having also a figure of the seal of the navy-office, shall be allowed to be sufficient authority for the ascertaining when any man has served his time. And every seaman requiring his discharge,

discharge, shall produce those certificates, as vouchers, for whom it may concern. And that no ship or vessel of war belonging to his Majesty may be in want of such printed forms, the commissioner of the navy, who is also the clerk of the acts, shall supply each ship, &c. with a sufficient number for that purpose, at the discretion of the lords commissioners of the admiralty. And the manner of payment for such men as shall be either turned over or discharged, shall be agreeable to the act of Parliament made in the 31st year of the reign of his late Majesty, entitled, "An act for the encouragement of seamen employed in the royal navy, &c." But to prevent every species of deception or fraud, by any person or persons, publishing or exposing false certificates fraudulently made (or even true ones) unlawfully obtained, whoever shall be legally convicted of so doing, shall be deemed guilty of forgery, and shall suffer the punishment of the statutes in that case made and provided.

SECTION XX.

And in order to raise a fund for supporting the expence necessarily attendant on Section X. be it enacted, that a stoppage of sixpence per calendar month shall be made out of the wages of each and every able seaman, ordinary seaman, and landman, serving in the royal navy only, over and above what is now stopped for Greenwich-hospital, chest at Chatham, &c.

SECTION XXI.

And whereas, by virtue of an act, or acts of Parliament now in force, for the encouragement of bringing up seamen in the coal and coasting-trades, &c. admiralty protections are granted for three years, on consideration of persons binding themselves apprentices to sea, who were never at sea before: but those protections having been much abused, it is hereby enacted, that before any such protections are granted in future, the lords commissioners of the admiralty shall require a certificate to be lodged at the admiralty-office, containing an affidavit, both from the master and apprentice, of the exact time the latter has been at sea, if he was ever there, and more than thirteen years of age when his protection is applied for. The master to be required to swear, to the best of his knowledge, respecting the matter under consideration; but the apprentice shall be required to swear positively to the time he has been at sea. And that the lords commissioners of the admiralty may be able to form a just estimate of the number of seamen brought up in Great Britain, all indentures of apprentices for the sea, shall have the names of the parties, and the date, with the term of servitude, entered in that office, and a certificate of its being so entered, written on the back of the indenture, signed by three of the lords commissioners of the admiralty, and with the usual signature of the secretary, or deputy secretary thereof; which shall be given to all

such apprentices, instead of the usual form of protections, during their apprenticeship, and shall be called certificates, and shall be according to the form in schedule, No. 8, any law or statute to the contrary notwithstanding; and the fee of the said office shall not exceed five shillings for each indenture.

SECTION XXII.

And to prevent impositions, by binding young men apprentices, who may have already been at sea, the following term of servitude shall be established in proportion to age, viz. Such as shall be bound apprentices under fourteen years of age, shall from and after the day of 177 be protected from any obligation to serve his Majesty for seven years; of fourteen, and under fifteen, six years; of fifteen, and under sixteen, five years; of sixteen, and under seventeen, four years; of seventeen, and upwards, three years; except those who are above thirteen years old, have been at sea before the signing such indentures, and in that case, the term of their protections shall be estimated agreeably to the rules above expressed. But all persons of eighteen years old, and upwards, who have been at sea, in square-rigged vessels, more than one year, and less than two, shall only be allowed protections for two years; and all those who have been two years at sea, and less than three, who are more than eighteen years old, shall be protected only for one year: nor shall any persons receive protection (on whatsoever pretence) who have been at sea, in square-rigged vessels, three years, and who are of the full age of twenty years; which circumstances, together with the time, shall be certified upon oath, agreeably to the rules above particularized, and be subject to the penalties and punishments of the laws provided against perjury.

SECTION XXIII.

And that the lords commissioners of the admiralty may always be able to form a true estimate of the British merchant-ships employed in war-time, be it enacted, that the master, mate and carpenter, of each ship or vessel, shall be necessitated to take out a certificate from the office of admiralty, which shall contain a description of their persons and age, and be renewed only in case of the removal or death of any of the three, and the fee of office shall not exceed two shillings and sixpence for each person. But to avoid imposition, one owner, at least, of each ship or vessel, shall make oath, that such person, or persons, is employed as master, mate, or carpenter, in the ship for which such certificates are required, which shall be agreeable to the form in the schedule No. 7. And no vessel which is of a less burden than two hundred tons, merchants measurement, shall protect a carpenter, except upon foreign voyages.

XXIII.

*XXIII. Let it be observed, that the carpenters of merchant ships have never been protected, but in common with the seamen; therefore, their being continually protected, would be a considerable advantage to merchant ships, and an indulgence which that class of people never yet experienced.

Section XXIV.

And to the end that all sea-faring persons may be informed of the great encouragement they will meet with, by voluntarily entering to serve his Majesty, and the disadvantageous consequences of refusing to enter, or of attempting to secrete themselves, when the state has occasion for their service, be it enacted, that printed extracts, containing the substance of this bill, shall be sent to the minister or churchwardens, and to the chief civil magistrate of every parish in Great Britain, who shall cause it to be read in their respective churches, on the Sunday falling nearest to Christmas, and at Easter, and at Whitsuntide; and also cause it to be fixed up in some public part of each church. And in the said extract it shall be declared, that at all times of necessity for seamen, and sea-faring persons, to serve in the royal navy, notice will be given, by a proclamation in the London Gazette, and proper officers be sent to all sea-port towns to receive such seamen, &c. who shall enter their names on proper lists for that service, give them tickets of leave for the purposes expressed section XI. to pay them their conduct money, and direct them to what port they must repair, in order to serve on board such ships as the commanding officer there may appoint.

Section XV.

And all apprentices, who may be sea-faring persons, are hereby required to give in their names to the nearest regulating-officer, within twenty-eight days after the expiration of their apprenticeship, if in Great Britain; and if otherwise, within forty-eight hours after their arrival, whenever his Majesty's proclamation for manning of the navy is in force. And if their services be required in the royal navy, they shall repair to such of the King's ports as the said regulating-officer shall direct: but if any such sea-faring person neglects so to do, he shall be apprehended as a fugitive mariner, and be liable to serve in the royal navy so long as the lords commissioners of the admiralty may appoint; and he shall not be entitled to any of the benefits, privileges, or advantages set forth or provided in section VI. and section X. of this act.

*XXV. The same reason might be given for this section as for No. 12: but here they will have a fair warning, and no one can have reason to say, that he has not had opportunity to offer himself as a volunteer.

Section XXVI.

And be it further enacted, that all such seamen, and sea-faring men, in their respective classes and capacities, who shall, at the time of

passing this act, be actually in the pay, or retained for the service of the royal navy, or who being beyond the seas, may be received into, or kept or retained for his Majesty's naval service; all such seamen or seafaring men shall be comprehended within the full intent and meaning of this act, and every part thereof, and shall likewise be entitled to all the benefits and advantanges therein mentioned, and contained.

XXVI. As many people have wished for a more equal distribution of prize-money, than the present, and may expect to see such a clause in this bill; it is thought proper to observe, that the division of prize-money is the King's prerogative, and therefore a more equal distribution than the present is not offered.

The following clause was reserved by Mr. Luttrell, in case the bill should, in the judgment or apprehension of Parliament, be deemed inadmissible, unless the original powers hitherto asserted by virtue of the King's proclamation in council, for precipitantly manning the fleet, were to be still enforced upon certain great emergencies, by way of *dernier resort*, if the proposed bill should, upon trial, not be found in all possible cases, to be sufficiently expeditious and effectual in its operations.

"Provided also, and be it enacted, that nothing in this act shall extend or be construed to extend to any time of a foreign invasion of his Majesty's dominions of Great Britain or Ireland, or to any time of an actual civil rebellion, within the said dominions of Great Britain or Ireland, but that, in such critical and alarming situations, threatening destruction to the present constitution of these kingdoms, all former powers before exercised by virtue of the King's prerogative, with the advice of the privy council, or under the authority of Parliament, may be then exercised in the same manner as heretofore, any thing in this act to the contrary notwithstanding."

SCHEDULE, No. 1.

Form of requisition for seamen being discharged, whose term of service is completed.

SIR,

HAVING served the term appointed for seamen to serve in the royal navy, by an act of Parliament, made in the year of the reign of his present Majesty King George the Third, I desire that I may be discharged as the said act directs.

I am, Sir, your humble servant, A. B.

To the captain or commander of his Majesty's ship the

SCHEDULE, No. 2.

The pay recommended for the petty officers of every denomination, agreeable to sect. No. 6.

Appellatives.

Appellatives.	*per month.* £.	s.	d.
Master's mate	2	15	0
Midshipmen	2	0	0
Captain's clerks	2	0	0
Quarter-masters	1	15	0
Quarter-master's mates	1	12	0
Boatswain's mates	1	16	0
Yeomen of the sheets	1	12	0
Coxswains	1	12	0
Master sail-maker	1	16	0
Sail-maker's mates	1	10	6
Sail-maker's crew	1	11	0
Gunner's mates	1	15	0
Yeomen of the powder-room	1	12	0
Quarter-gunners of the first and second rates	1	11	0
Quarter-gunners of other rates	1	11	0
Armourers	1	11	0
Armourer's mates	1	7	0
Carpenter's mates	1	16	0
Carpenter's crew in first and second rates	1	11	0
Carpenter's crew of other rates	1	11	0
Master at arms	1	16	0
Corporals	1	12	0
Surgeon's first mates	3	5	0
Ditto second mates	2	15	0
Ditto third, fourth and fifth mates	2	5	0
Ship's stewards	1	5	0
Trumpeters	1	7	0
Able seamen	1	10	0
Ordinary seamen	1	4	0
Landmen	1	2	0
Widow's men	1	10	0
Servants	0	0	0
Officers	0	0	0

SCHEDULE, No. 3.

These are to certify the principal officers and commissioners of his Majesty's navy, that John Smith hath taken the oath required to be taken by seamen, entering to serve in the royal fleet, pursuant to an act made in the year of the reign of his present Majesty King George the Third, entitled, "An act for the more easy and effectual manning of the royal navy, &c." and the said John Smith hath received

ceived three musters on board of his Majesty's the this
day of 177
Given under our hands the day and date above written,

A. B. Captain.
C. D. Master.
To be by John Smith indorsed. E. F. Boatswain.
G. H. Purser.

SCHEDULE, No. 4.

This is to certify the principal officers and commissioners of his Majesty's navy, that George Williams served on board of his Majesty's ship the Royal William, one year, three calendar months, and ten days, when he was turned over into his Majesty's ship the Barfleur, (or discharged) the 20th day of May, 1780, and this certificate is given pursuant to an act of Parliament, made in the seventeenth year of the reign of his present Majesty King George the Third, entitled "An act for the more easy and effectual manning of the royal navy," &c. &c.

A. B. Captain.
N. B. The quality wherein he has served is to be mentioned after the name. } C. D. Master.
E. F. Boatswain.
G. H. Purser.

The final discharge to be in the same form, only expressing the names of each ship, and the particular time he may have served in each ship.

SCHEDULE, No. 5.

Form of certificate, by which seamen are to receive their pensions.

These are to certify the principal officers and commissioners of his Majesty's navy, that A. B. a pensioner, by virtue of an act of Parliament, made in the year of the reign of his present Majesty King George the Third, is living, and at this time in the parish of
Witness our hands, this day of 177

A. B. Minister.
C. D. { Overseer, or Churchwarden.
If in Scotland. Elder.

SCHEDULE, No. 6.

Form of the oath to be taken by those who have not served his Majesty any part of the term required by this act.

This deponent James Blank, voluntarily maketh oath, that he will faithfully serve his present Majesty King George the Third, his heirs or successors, conformably to an act of Parliament made in the year of the reign of his said Majesty King George the Third, entitled "An act for the more easy and effectual manning of the royal navy, &c. &c." to commence from his first muster on board of any ship or vessel in the British royal navy, where the lords commissioners of the admiralty

admiralty shall appoint him to serve against any of the open, avowed, or declared enemies of Great Britain, its crown and dignities, its religion, laws, and constitution. (To be signed) JAMES BLANK.

Sworn before me, on board his Majesty's ship at this day of 177

A. B. Captain.
C. D. Lieutenant.

And in the absence of the captain, the lieutenant shall be empowered to administer the above oath, which shall also be taken by every ordinary seaman, inserting the term of FIVE years instead of three years; and by every landman, inserting the term of SIX years.

SCHEDULE, No. 7.

Form of the certificate for masters, mates, and carpenters of merchant-ships and vessels.

These are to certify whom they may concern, that it appears to us, from the oath of an owner of the ship Ruby (burthen 200 tons), belonging to London, that A. B. is now employed as the master (mate) or (carpenter) of the said ship Ruby; and while so employed, is not to be interrupted by any person or persons raising men for his Majesty's service, agreeable to an act of Parliament made in the year of the reign of his present Majesty King George the Third, entitled, "An act for the more easy and effectual manning of the royal navy, &c. &c." Given under our hands, and the seal of the office of admiralty, this day 177

By command of their lordships, G. H. Sec. or D. Sec.

A. B.
C. D.
E. F.
} Lord Commissioners.

SCHEDULE, No. 8.

Form of the certificate for apprentices in merchant-ships and vessels.

It having been made known to us, as well by the oaths of the parties within-mentioned as by this indenture, that A. B. is bound an apprentice to C. D. for seven years, to learn the art of a mariner, being now under fourteen years of age, we require all persons employed to raise men for his Majesty's service, in no wise to molest or interrupt the said A. B. during the term of his apprenticeship, and while in the lawful pursuit of his said master's business, as a mariner. Given under our hands, and the seal of the office of admiralty, this day of 177

By command of their lordships, G. H. Sec. or D. Sec.

A. B.
C. D.
E. F.
} Lords Commissioners.

P. S. The perquisites exacted by the admiralty for protections during

during an impress, would, if this bill were to pass, be thereby lessened, in the amount of several thousand pounds per annum; a consideration which, in some measure, accounts for the real cause of that violent opposition which the present ministry have shewn to a bill, calculated for so many salutary and beneficial purposes.

Adjourned to the 13th.

March 13.

No debate.

March 14.

Private business. Adjourned to the 17th.

March 17.

Lord *George Germaine*, by his Majesty's command, presented to the House the following papers:

Translation of a Treaty between his Majesty and the Margrave of Brandenburgh Anspach, concluded and signed at Anspach, the 1st of February, 1777.

BE IT KNOWN to those whom it may concern, that his Majesty the King of Great Britain, having thought proper to accept a corps of infantry of the troops of his most serene highness the reigning Margrave of Brandenburgh Anspach and Bayreuth, &c. &c. to be employed in the service of Great Britain; the high contracting parties have given their orders for this purpose to their respective ministers; to wit, his Britannic Majesty to Colonel William Faucitt, captain of the guards; and the most serene Margrave to his minister of state, the Baron de Gemmingen; who, after the exchange of their respective full powers, have agreed upon the following articles:

Article I. The most serene Margrave of Brandenburgh yields to his Britannic Majesty a corps of infantry, of one thousand two hundred men, which shall consist of two regiments, with one company of chasseurs, all professed soldiers, according to the lists annexed to the present treaty. This corps shall be at the entire disposal of the King of Great Britain, provided they be not sent to the East Indies.

Article II. The most serene Margrave engages to equip this corps completely, so that they may be ready to march on the 28th of this month, at latest, or even sooner, if it can be done. The said corps shall pass in review before his Britannic Majesty's commissary, previous to their departure.

Article

Article III. Each regiment of infantry of this corps shall be furnished with two pieces of field artillery, together with the officers, gunners, and other men, and the train thereto belonging.

Article IV. The most serene Margrave engages to furnish the recruits annually, necessary for this corps, which shall be delivered to his Britannic Majesty's commissary, disciplined and completely equipped at the place of embarkation, at such time as his Majesty shall appoint, in pursuance of the notice which shall be given thereof, four months before their departure.

Article V. The King's service, and the safety of the troops, equally requiring that the commanding officers and subalterns should be well skilled and perfect in the service, his most serene highness will take due care in the choice of them.

Article VI. His most serene highness engages to put this corps in the best state that shall be possible, and none shall be admitted therein but men fit for campaign service, and acknowledged as such by his Britannic Majesty's commissary.

Article VII. This corps shall be provided with tents and all the necessary equipage.

Article VIII. The King grants to this corps the ordinary and extraordinary pay, as well as all the advantages in forage, provisions, &c. &c. which the royal troops enjoy; and the most serene Margrave engages, that he will permit this corps to enjoy all the emoluments of pay which his Britannic Majesty allows them; the sick and wounded of the said corps shall be taken care of in the King's hospitals, and shall be treated in this respect as the troops of his Britannic Majesty, and the wounded, not in a condition to serve, shall be sent to Europe, into their own country, at the King's expence.

Article IX. There shall be paid to his most serene highness, as levy-money for each foot soldier, thirty crowns *banco*, the crown computed at fifty-three sols of Holland, and valued at four shillings and nine-pence three farthings English money, as well for the infantry as for the chasseurs and artillery; one half of this levy-money shall be paid in six weeks after the signature of the treaty, and the other half in three months. The payment of this levy-money shall be made, nevertheless, on condition that thirty crowns *banco* shall be withheld for each soldier who, not on account of sickness, shall be deficient in the said corps on the day of their embarkation; which thirty crowns *banco* shall, however, be paid as soon as the soldiers who were deficient, shall afterwards join their respective corps.

Article

Article X. If it should happen that any one of the battalions or company of this corps should suffer any very extraordinary damage, whether in battle or siege, or by any uncommon contagious distemper, or by the loss of any transport vessel in the passage to America, his Britannic Majesty shall make good, in the most equitable manner, the loss of the officers or soldiers, and defray the expence of the recruits necessary for compleating the corps which shall have sustained such extraordinary damage.

Article XI. The most serene Margrave reserves to himself the nomination to the vacant offices, as well as the administration of justice. His Britannic Majesty, moreover, will cause orders to be given to the commander of the army in which this corps shall serve, not to require from this corps any extraordinary service, or which may exceed their proportion with the rest of the army. This corps shall take the oath of fidelity to his Britannic Majesty, without detriment to that which they have taken to their sovereign.

Article XII. The pay shall commence seven days before the march of this corps of troops, and from the time of their being on board the boats, in order to go down the Mayne, all the transport charges shall be borne by his Britannic Majesty.

Article XIII. His Britannic Majesty grants to his most serene highness the Lord Margrave, while this corps of troops shall be in his Majesty's pay, an annual subsidy of forty-five thousand crowns *banco*, to be computed from the day of the ratification of this treaty, which subsidy shall be continued three months after the return of the said corps into the dominions of his most serene highness, and the troops shall enjoy the pay to the end of the month in which they shall be returned in the territories of the Lord Margrave.

Article XIV. This treaty shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible.

In testimony whereof, we, the undersigned, being furnished with the full powers of his Majesty the King of Great Britain, on the one part, and of his most serene highness the Lord Margrave of Brandenburgh on the other part, have signed the present treaty, and have caused the seals of our arms to be affixed thereto. Done at Anspach, this first day of February 1777.

WILLIAM FAUCITT. CHARLES de GEMMINGEN

L. S. L. S. Establish-

Establishment of the troops of his most serene highness the Margrave of Brandenburgh, &c. which are to enter into his Britannic Majesty's service.

General establishment of one regiment.

STAFF.

1	Colonel
1	Major
1	Chaplain
1	Auditor
1	Quarter-master
1	Surgeon-major
1	Drum-major
2	Provosts and servant
7	Total of the Staff

Establishment of the Colonel's company.

1	Colonel, as captain
1	Captain-lieutenant
2	First lieutenants
2	Serjeants
1	Fourier
1	Surgeon
5	Corporals
2	Drums
1	Fifer
1	Servant for the tents
95	Private
114	

Establishment of the Major's company.

1	Major, as Captain
2	First lieutenants
2	Second lieutenants
2	Serjeants
1	Fourier
1	Surgeon
5	Corporals
2	Drums
1	Fifer
1	Servant for the tents
95	Private
113	

Establish-

Establishment of the three other companies.

1	Captain
1	First lieutenant
2	Second lieutenants
2	Serjeants
1	Fourier
1	Surgeon
5	Corporals
2	Drums
1	Fifer
1	Servant for the tents
95	Private
112	

Total of the Colonel's company	144
Ditto of the Major's company	113
Ditto of three other companies	336
Ditto of the staff - - -	7
Total of the 1st regiment	570
Total of the other regiment	570
Total of the two regiments	1140

One company of Chasseurs.

1	Captain
1	First lieutenant
2	Second lieutenants
2	Serjeants
1	Fourier
1	Surgeon
5	Corporals
87	Chasseurs
1	Servant for the tents
101	

ARTILLERY.

1	Lieutenant
4	Bombardiers
30	Gunners
8	Conductors
1	Servant for the tents
44	

RECAPITULATION.

570	The first regiment
570	The second regiment
101	The company of chasseurs
44	Artillery
1285	Sum total

Translation of the ulterior Convention between his Majesty and the Hereditary Prince of Hesse, concluded and signed at Hanau, the 10th of Feb. 1777.

HIS Majesty the King of Great Britain having consented, that the troops of the most serene hereditary prince of Hesse, now in his service in America, should be augmented with a corps of chasseurs; and his most Serene Highness, in consequence of that perfect gratitude, and the respectful and unlimited attachment with which he is devoted to his Majesty, as well as through zeal for the interests and service of that monarch, having with great alacrity charged himself with the care of raising and furnishing such a corps on his Majesty's subsidy; his minister plenipotentiary, colonel William Faucitt, and the minister and actual privy counsellor of the most serene hereditary Prince of Hesse, Frederick de Malsbourg, being furnished with the requisite full powers of their respective masters, have agreed upon the following articles.

Article I. The most serene hereditary prince of Hesse, engages not only to form a corps of chasseurs, and to cause them to be properly armed, clothed, disciplined, and put in readiness to march to the place of destination, but also to cause one company thereof to march at the beginning of the next month, at latest; and as his Britannic Majesty has made known his desire, that this corps should be extended to a greater number than that of one company which was offered; his most Serene Highness, animated with the desire of conforming himself to his Majesty's intentions, as far as it depends upon him, promises to use all his endeavours for such augmentation, and to increase the number as much as possible: and as the circumstances will not yet allow of the actual settling of the positive number, it is agreed previously to prepare the annexed state, which shall constitute the basis

and rule for all the other companies, of which it is hoped, four at least may be provided, of 100 men each, so that the whole corps upon this supposition will amount to 412 men, the staff included.

Article II. This corps of chasseurs, the real number of which shall be fixed and settled at the time of their march, shall be completely equipped by his most Serene Highness, and provided with every thing necessary to put them in readiness to march; and his Britannic Majesty promises to take them into his pay, from the moment of the enlisting of each man composing the said corps, and to furnish every thing necessary, when they arrive at the place of their destination, for the transport of their equipage, and likewise provisions, forage, ammunition, &c. &c. for their use, in the same manner, and upon the same footing, as shall be furnished to the Hessian chasseurs, which are on the British subsidy. And as the strength of the said corps cannot be ascertained till they pass in review before the King's commissary, which shall be done, as soon as they are complete here at Hanau, if possible, or elsewhere, as the circumstances may require; it is agreed that an exact state shall then be prepared of the strength of the said corps, which his Majesty shall take upon subsidy, whatever may be their number, without regarding whether they consist of four companies, of more or less. In conformity to that state, which shall be annexed to, and made part of the present treaty, the pay, subsidy, and levy-money for the said corps, shall also be regulated according to the number of men of which it shall then be composed.

Article III. The pay of the corps of chasseurs shall be higher than that which his Majesty allows for the infantry of Hesse-Hanau, now in his service; it shall be equal to that of the Hessian chasseurs, and consequently in the same proportion as it was during the last war. And his Majesty promises moreover, that every thing already granted, or which shall hereafter be granted, for the said Hessian chasseurs, shall be equally allowed to those which the most serene Hereditary Prince shall furnish by virtue of the present convention.

Article IV. The said pay shall commence forthwith: but, as, on the one hand, the number of men is not yet entirely collected, and on the other, those actually provided already receive pay from the most serene Hereditary Prince, it shall be re-imbursed to him, from the day of their engagement, for all those who have enlisted into the said corps, since

since the 19th of January last; and in like manner, such as are deficient shall not be paid for, but as they enlist therein, according to the returns, which shall be made with the utmost exactness, duly attested and certified.

Article V. This corps shall be composed only of chasseurs by profession, or good fuzileers, all disciplined, and possessing the requisite dexterity. And although it is impossible to fix exactly the time in which this corps may be entirely completed, it shall not, however, be extended further than to the end of the month of April next; and his most Serene Highness promises, that all possible diligence shall be used, in order to assemble them, even before that period, if it can be done, and to cause them to march without delay for their destination.

Article VI. Every thing that has been agreed upon in the treaty of the 5th of February, 1776, with regard to the regiment of Hesse-Hanau, which is now in his Majesty's service, shall extend also to the new augmentation of a corps of chasseurs. The subsidy shall be augmented in proportion, from the day of the signature of the present convention; and the advantages granted by the 7th, 9th, 10th, 11th, and 12th articles of the former treaty, shall be likewise applied to this corps. Levy-money, at 30 crowns *banco*, shall be paid by his Majesty for each chasseur; the crown to be computed at fifty-three sols of Holland; one half of which levy-money shall be paid in one month, and the other half in two months, after the signature of the present convention.

Article VII. This ulterior convention shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible.

In testimony whereof, we the undersigned, being furnished with the full powers of his Majesty the King of Great Britain, on the one part, and of his most serene highness the hereditary Prince of Hesse, on the other, have signed the present convention, and have set thereto the seals of our arms.

Done at Hanau, the 10th of February, 1777.

L. S. WILLIAM FAUCITT.

L. S. FREDERICK Baron de MALSBOURY.

State of one battalion of chasseurs.

STAFF.

Lieutenant-colonel is reckoned as head of his company.
1 Adjutant
1 Auditor
1 Regimental quarter-master
1 Surgeon-major
2 Armourer, and his assistant
1 Servant for the waggon with the military chest
4 Servants for the carriages of the 4 companies
1 Provost

12

First company.

2 Lieutenant-colonel, as captain, and his servant
2 Captain-lieutenant, and his servant
2 First lieutenant, and his servant
2 Second lieutenant, and his servant
1 Serjeant-major
1 Serjeant
1 Fourier
1 Master of arms
6 Corporals
1 Surgeon
3 French-horns
78 Chasseurs

100 Men

Second company.

2 Captain, and his servant
2 First lieutenant, and his servant
2 Second lieutenant, and his servant
1 Serjeant-major
1 Serjeant
1 Fourier
1 Master of arms
6 Corporals
1 Surgeon
3 French-horns
80 Chasseurs

100 Men
100 Third company

200 *Carried over*

200	Brought over
100	Fourth company
100	The colonel's company
12	The staff
412	Men

Estimate of the charge of the additional corps of foreign troops in the pay of Great Britain, pursuant to treaties for the year 1777.

	No.	*Pay, &c.* £. s. d.	*Total.* £. s. d.
Pay of a regiment of Hessian chasseurs for 365 days, from 25th Dec. 1776, to 24th Dec. 1777, both inclusive	1067	27328 19 10¾	
Deduct, voted for two companies of the said corps for the year 1777	262	4321 8 11½	
Difference to be made good	805	23007 10 11¼	
Levy-money for 626 chasseurs à pied, at the rate of thirty *banco* crowns each man		4518 18 9	
Ditto for 179 chasseurs, à cheval, at the rate of 45 *banco* crowns each		1938 4 8¼	
Proportional subsidy for ditto for the same time		7263 17 4	
Total for Hessian chasseurs for the year 1777			36728 11 8¼
Pay of a regiment of chasseurs of Hanau for 318 days, from 10th Feb. 1777, to 24th Dec. following, both inclusive	412	10113 7 10½	
Levy-money for 412 men, at 30 *banco* crowns each		2974 2 6	
Proportional subsidy for ditto, for the same time		3238 19 9	
			16326 10 1½
Carried over	1217		53055 1 10

	No.	Pay, &c. £. s. d.	Total. £. s. d.
Brought over	1217		53055 1 10
Pay of the troops of the Margrave of Brandenburgh Anspach, &c. for 307 days, from 21st Feb. 1777, to 24th Dec. following, both inclusive	1241	19495 15 7	
Artillery to ditto	44	1115 8 8	
Levy-money for 1285 men, at 30 *banco* crowns each		9276 1 10½	
Subsidy for ditto, at the rate of 45,000 *banco* crowns per annum, for 327 days, from 1st Feb. 1777, to 24th Dec. following, both inclusive		9700 16 3	
			39588 2 4½
Total for the year 1777	2502		92643 4 2½
Deficiencies to be made good for the year 1776, viz.			
Increased pay of one company of Hessian chasseurs for 328 days, from 1st Feb. 1776, to 24th Dec. following		1177 14 6	
Ditto for one company, for 293 days, from 7th March, 1776, to 24th Dec. following		1052 1 0¾	
The pay of the additionals to Hessian chasseurs, for 14 days, from 11th Dec. 1776, to 24th Dec. following, both inclusive		882 9 11	
Proportional subsidy for the above additionals for the same time		278 12 10½	
			3390 18 4¾
Total	2502		96034 2 6¾

WAR-OFFICE, 17th March, 1777.

BARRINGTON.

March 18.

Private business. Adjourned to March 21.

March 21.

In committee. Resolved to grant the sum in the estimate of the charge of foreign troops in page 53 and 54.
Adjourned to March 24.

March 24.

Resolutions reported and agreed to.

March 25.

No debate.

March 26.

Private business.

March 27.

Bills passed. Adjourned to April 8.

April 8.

Private business.

April 9.

Lord North delivered the following message from his Majesty.

GEORGE R.

It gives his Majesty much concern, to find himself obliged to acquaint the House of Commons with the difficulties he labours under, by reason of debts incurred by the expences of his household and of his civil government; which, being computed on the fifth day of January last, do amount to more than six hundred thousand pounds. His Majesty relies on the loyalty and affection of his faithful Commons, of which he has received so many signal proofs, for enabling him to discharge this debt; and that they will, at the same time, make some further provision, for the better support of his Majesty's household, and of the honour and dignity of the crown.

G. R.

The editor of this work has been favoured with the following paper.

Before the Revolution, the whole revenue of the kingdom was called the revenue of the crown; and the King disposed of it as he pleased. Charles II. and James II. embezzled immense sums. To prevent such abuses in future, the Commons resolved, on the 26th of February, 1689, that the revenue was expired by the vacancy of the throne, and did not devolve on their Majesties king William III. and queen Mary. The King's income for the year 1689, was settled at 600,000l. to be paid out of the public revenue. Next year, the hereditary excise was settled upon the King for life, with a clause to make it a security for 250,000l. And the customs were settled upon the King, at the same time, for four years; with a clause to make them a security for 500,000l. But these duties did not produce what they were laid at. In 1698 a further subsidy of tonnage and poundage was laid; and these were all settled on the King for life, at 700,000l. *per annum*. The same was continued to queen Anne. In 1713, the Queen being in debt, she was empowered to appoint, by letters patent, the sum of 35,000l. to be issued out of the civil list revenues for thirty-two years, to such person or persons as should advance the sum of 500,000l. for paying off the debts of the civil list. In 1715, the sum of 120,000l. *per annum* was added to the civil list revenue, during the life of George I. upon condition, that if the whole civil list revenue with this addition, produced less than 700,000l. yearly, the deficiency should be made good by Parliament; but if it produced more, the surplus should go to the aggregate fund, which was this year established. In 1720, the civil list being greatly in arrear, the Royal and London assurance companies agreed to give the King 600,000l. for letters of incorporation. They paid 300,000l. but were excused paying the remainder, by an act passed the next year, enabling the King to borrow 500,000l. at five *per cent.* till redeemed by the crown, and to deduct sixpence in the pound upon all pensions, salaries, &c. for the payment of that interest. The civil list continuing in arrear, the King was enabled, in 1725, to borrow one million by exchequer bills, &c. at three *per cent.* upon the credit of the civil list revenues, and sixpenny deduction, till re-payment of the principal. This was to redeem the 500,000l. borrowed in 1721, and to supply the King with 500,000l. to discharge the civil list debts. Next year (1726) the million raised by exchequer bills, &c. was repaid by a lottery, and the sixpenny deduction was made perpetual.

Upon the accession of George II. the civil list was increased to 800,000l. *per annum*, for his life, and if it ever fell short of that sum, the

the deficiency to be made good by Parliament; but no mention was made of any surplus, if any should happen.

George III. upon his accession, solicited a clear, net yearly income of 800,000l. in lieu of the civil list revenues. This was the plan of his father; who, in a paper delivered to the opposition, by the present Lord Le D. &c. says, "His Royal Highness farther promises to accept of no more than 800,000l. for his civil list, by way of rent-charge." However, on the 28th of February, 1769, his present Majesty requested, by message to Parliament, a sum for the payment of his debts; and in compliance, 513,511l. was granted. The message of this day is the second application. But it is a question of some moment upon this occasion, "What sum is the royal income at this time?" It is almost impossible to state it in every part with precision; yet an estimate has been made, and, it is presumed, with tolerable accuracy. However, not to vouch for authenticity, where no reasonable man can expect it, it will be sufficient, if there is no capital nor egregious mistake.

	£.
Civil list — — —	800,000
Revenue of Hanover, when the esablishment, &c. is paid, brings in clear, at least — —	100,000
Ireland — — —	90,000
Wales — — —	10,000
Lancaster — — —	20,000
Cornwall, after paying the lord warden's court, &c. produces at least — — —	70,000
Four and a half per cent. in the West Indies —	50,000
Coal-pits at Louisburgh — —	12,000
Interest of debts due to the late king —	150,000
[If ministers think this sum too much, will they shew the correspondence with the court of Saxony *only*, for a little time before the death of the Princess of Wales?]	
	£. 1,320,000

There are a few other particulars, *per contra*, which deserve notice.

The quit-rents in North America are lost, at least for the present; they were about *per annum*	15,000
The four and a half *per cent.* duty in North America, also lost, about — — *per annum*	50,000
The several royalties, manorial rights, &c. enjoyed by	

former

former kings of England, and till lately collected under different names in North America, all lost.

An increased family of eleven children; but ten only ought to be reckoned; the Bishop of Osnaburg being maintained out of his own revenues. However, being all very young, except the Prince of Wales, their expences cannot be considerable.

On the other hand, it is equally worthy of attention,

That by the death of the Princess of Wales there was a saving to the civil list of - *per annum* 50,000

That by the deaths of the Dukes of York and Cumberland, Prince Frederick and Princess Louisa
By the marriages of the Princesses Augusta and Matilda 50,000
All these having something out of the civil list; put the whole at only

If the charge of some of their domestics, the number of which is annually decreasing, be thought worth mentioning, the gain by the interest of the saving, ready money left, jewels, &c. &c. may be put as no very improper equivalent.

In the charges upon the civil list, must not be included some of the great departments, such as admiralty, treasurer of the navy, &c. &c. they being paid out of the several expences of those departments, voted by Parliament; nor of the boards, and other officers of the revenue, as customs, excise, stamps, &c. they being all paid out of their own receipts. And the pensions, &c. upon the revenue of Scotland, are paid in Scotland, before that revenue is remitted to England.

The affair of Somerset-house produced a gain of about 100,000

The presents from the eastern princes are not underrated at one million sterling. But if ministers are inclined to dispute it, will they shew what have been the presents from the Nabob of Arcot *only?* 1,000,000

Taking a summary of the whole, and making and allowing every necessary consideration, on both sides, it may be presumed, that the royal income has, since the accession of his present Majesty, been *communibus annis* 1,400,000

At the same time it is not improper to remark, that whatever be the sum of his Majesty's debts, the majority of his creditors are the majority in the two houses of Parliament. Perhaps, at least, half a million is due to those who vote it.

revenues, and so much as was granted to his late Majesty; but of the [illegible] received by His Majesty in lieu of those revenues; and the advantage to the [illegible] from his accession to the 5th of January, 1777; the amount of the annuity received by His Majesty in lieu of those revenues; and the advantage to the [illegible] after deducting, as well the said annuity, as the money granted to Parliament to pay off the civil list debt, on the 5th of January, 1769, viz.

CHARGE ON THE AGGREGATE FUND.

	Net produce of the hereditary and temporary revenues.			1200000l. per annum, pursuant to an act 1° Georgii 2di.			700001. per annum, pursuant to an act 9° Georgii 2di. in lieu of duty on low wines, &c.			The Sum of 2125l. 15s. 2½d. brought to account annually at Midsummer, pursuant to an act 4° Georgii 2di. in lieu of the flax duty repealed.			The sum of 2388l. 4s. 11d. brought to account annually on the 12th of May, pursuant to an act of 12° Geo. 2di. in lieu of duty on woollen and bay yarn imported from Ireland, repealed.			On 7002l. 14s. 3d. per annum, brought to account quarterly from the duty on wine-licences, pursuant to act 30° Georgii 2di.			Totals.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
From the 25th of Oct. 1760, to the 5th of Jan. 1762	645844	0	11½	144827	11	8½	84482	15	2	1473	9	5½	1302	1	8½	8451	11	0	886381	10	0½
In the year ended the 5th of January, 1763	638203	2	8½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	839809	17	1
4	667743	6	1½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	869260	0	6
5	723976	2	1½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	925492	16	6
6	813979	5	11½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	1015496	0	4
7	707217	0	10½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	908733	15	3
8	732336	2	6½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	933852	16	11
9	752744	6	6½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	954261	0	11
1770	778678	15	5½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	980195	9	10
1	779186	13	0½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	980703	7	5
2	794763	8	3	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	996280	2	7½
3	788873	2	8	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	990389	17	0½
4	776370	0	2	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	977886	14	6½
5	784774	12	10½	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	986291	7	3
6	838283	16	0	120000	0	0	70000	0	0	2125	15	2½	2388	4	11	7002	14	3	1039800	10	4½
7	860406	12	11½	120000	0	0	70000	0	0	2125	15	1½	2388	4	11	7002	14	3	1061923	7	4
	12083470	9	3½	1944827	11	8½	1134482	15	2	33359	17	7	37125	15	5½	113492	4	9	15346758	13	11½
The amount of the annuity of 800,000l. granted to his Majesty from the 25th of October 1760, to the 5th of January, 1777, is																			12965517	4	9½
The produce, as above, exceeds the annuity by																			2381241	9	1½
But Parliament granted to pay off the civil list debt, on the fifth of January, 1769, out of the supplies for the year 1769																			513511	0	0
Which being deducted, shews the gain to the public to be																			1867730	9	1½

An account of the several sums which were due and unpaid at the receipt of the Exchequer, for the expence of his Majesty's civil government, on the 5th day of January, 1777, with the money applicable towards discharging the same, and the debt then remaining unprovided for, viz.

	£.	s.	d.
To her Majesty the Queen, on 50,000l. *per annum*	12500	0	0
To the Prince of Wales and Bishop of Osnaburg, on 7346l. 10s. *per annum* —	1836	12	6
To defray sundry expences for the said Princes	849	9	0¼
To Prince William Henry and Prince Edward, on 1115l. *per annum* — — —	278	15	0
To defray sundry expences for the said Princes	278	16	7½
To the Duke of Cumberland, on 9000l. *per annum*	2250	0	0
For pensions to the servants to the late Queen	3076	14	0¼
For pensions to the servants to the late Princess Dowager of Wales — —	20025	9	5
To the cofferer of his Majesty's household	135415	15	8¼
To the treasurer of the chamber — —	70938	16	7
To the master of the great wardrobe —	21566	9	11
To the master of the robes —	4043	15	0¼
For his Majesty's works and gardens —	56788	3	0¼
For the extraordinaries of his Majesty's stables	11309	4	0
To his Majesty's goldsmith for plate —	3552	12	2
To foreign ministers on their ordinary and extraordinary allowances — —	91935	14	2
For fees, salaries, and pensions, payable at the Exchequer — —	145790	15	10½
For pensions and bounties payable by Lord Viscount Gage — — —	68652	17	9
To the band of gentlemen pensioners —	7500	0	0
To the secretaries of state for secret service —	2250	0	0
To the secretary of the post-office, for ditto —	1784	16	0

For contingencies of divers natures.

	£.	s.	d.			
To the King's printers	13243	14	11½			
For incident expences of the Board of Trade —	2634	4	8			
Carried forward	15877	19	7½	662624	16	7¼

To

	£.	s.	d.	£.	s.	d.
Brought forward	15877	19	7½	662624	16	7½
To the usher of the receipt of the Exchequer	11489	1	11			
To the usher of the Court of Exchequer	1106	13	9			
To sundry sheriffs for conviction of felons, &c.	1640	0	0			
To Thomas Sandby for disbursements in Windsor Forest	2281	15	7¼			
To Lord Viscount Howe, and Sir William Howe commissioners for restoring peace in America, 100l. per week each	1742	17	2			
To Henry Strachey, Esq; secretary to the said commissioners	183	0	0			
To Ambrose Serle, Esq. another	122	0	0			
To Benedict Schaller, for necessaries furnished the treasury	120	0	0			
For rent of the privy seal office	102	13	6			
For rent of the secretary of state's office in Cleveland-row	233	8	9			
For rent of Mote park	80	17	3			
For ground-rent of Cumberland house	316	18	6			
For pay of watchmen at the Exchequer	87	0	0			
For watering the ring in Hyde-park	200	0	0			
For the under clerks of the council	300	0	0			
To officers of the Tally Court, for striking tallies	196	0	0			
To the company of Chelsea waterworks	65	17	6			
To the keeper of Bagshot Rails, for turnips, &c. for the deer	175	0	0			
To the Duke of Gloucester, for the expence of holding Swanimote courts	30	0	0			
				36351		6¼
Carried over				698976	0	2¼

Towards

	£ s. d.	£. s.
Brought over		698976 0
Towards satisfying the above sums there remained in the Exchequer on the 5th of January, 1777	35640 12 6	
To which adding the sum to be granted out of the aids 1777, to replace payments pursuant to addresses before the 5th of January, 1777	12060 2 0	
And the total thereof being deducted		47700 14
Will leave the debt unprovided for on the 5th of January, 1777		651275 6

Memorandum.

This debt is the greater by the monies issued to the following persons, pursuant to his Majesty's orders, to be by them applied for the relief and benefit of sundry American civil officers, and others, who have suffered on account of their attachment to his Majesty's government.

To Thomas Pratt, Esq.	13664 1 0	
Milward Rowe, Esq.	15793 19 0	
Thomas Cotton, Esq.	1092 9 6	
John Martin Leake, Esq.	1119 7 0	
	31669 16 6	
Besides which there has been paid for the above purpose by		
	£.	
Sir Grey Cooper, Bart.	285	
John Robinson, Esq.	980	
	1265 0 0	
Total applied on account of this service	32934 16 6	
Thereof were Parliament to make good to his Majesty this sum of		32934 16
The debt then remaining unprovided for, would be		618340

The preceding papers were, by his Majesty's command, laid upon the table by Lord North.

April 16.

Lord *John Cavendish*, as soon as the order of the day for going into a committee of supply, to take his Majesty's message of the 9th instant into consideration was read, rose and moved, "that the order of reference, made on the same day, be discharged." His Lordship stated his objections on two grounds; first, on the manifest defectiveness of the accounts; and secondly, to the excess of expenditure. The former, he said, came unaccompanied by any voucher, or collateral, or explanatory observation, that could give them an air of authenticity, worthy of the attention of that House; the latter, relative to the excess of expenditure, came tolerably well vouched, and bore the most ample and authentic testimony, that the excess had arose from causes which would not bear the light. The manner of fabricating the accounts, and of stating the excess, helped to explain each other. The accounts just stated the disbursements, without telling to whom, or for what particular service: the excess of course, was the consequence of such a statement; and shewed, that it arose, but not why it should be provided for. His Lordship next went into several comparative estimates of the out-goings of the two periods of eight years of the present reign, with the like periods of the preceding reign, and demonstrated clearly, that taking the sixteen years of the present reign, and comparing them with sixteen years of the late reign; or taking an average of the expenditure of both reigns, that making every allowance for increase of family, and advanced price of the necessaries of life, the fair expenditure of his present Majesty ought to be some thousand pounds a year less than his predecessor. His Lordship next separately observed on the heads under which the excess arose; on the cofferer's account, board of works, pensions, annuities, secret service, and ambassadors: he took a particular view of each of them, and shewed, that instead of increasing, they ought, from every appearance without, and from every motive within, to have been considerably lessened. He adverted to a saying of James the First, that we ought to have an army of ambassadors; whether such an army were now necessary, when we already were burdened with a standing army, he would not pretend to decide: but he was certain, if the gross sum charged in the account was truly stated, we at least paid for an army of ambassadors. We ought to have a larger corps

of

of diplomatiques than even the negotiating James had; for certainly they cost us almost as much as his whole household. His Lordship, after descanting pretty fully on these several matters, said, he should have expected a saving instead of a deficiency within the last eight years, because the revenue of the Princess Dowager of Wales had ceased during the last five years, which the public had a right to expect, would have augmented the royal income to a very considerable amount; nor had the expence of the Prince of Wales and the Bishop of Osnaburg, amounted to a fourth of what lapsed to the crown by the death of that princess. The honour and dignity of the crown was the common pretext on which applications, such as the present, were always founded: of course, he should expect to hear them pervade the whole of the ministerial language of this day; but in his opinion, if the minister had the honour and dignity of the crown at heart, he would have applied to Parliament earlier; nay, he would have annually applied to Parliament, as the debt was incurred. Parliament would most probably have taken, or devised some mode of lessening the outgoings; of retrenching unnecessary expences: they would, as a part of their duty, have enquired into the state of the expenditure of the civil list revenue; and if they discovered, as most certainly they must, any abuses, they would rectify them, or totally remove the cause. Such a proceeding would have had several salutary effects, besides the mere saving; it would have rendered the King easy in his private capacity as a gentleman; it would have rendered any augmentation of the civil list revenue totally unnecessary; and it would have preserved, what no man in that House was more solicitous about, it would have prevented the lustre and dignity of the crown from being lowered and tarnished; and its subjects from being burdened, plundered, and oppressed. His Lordship pressed with great earnestness and force of reasoning, the dangerous consequences, which would probably arise from an augmentation of the civil list revenue, and the consequent increase of the influence of the crown, already become much too powerful. He insisted, it would add to that depravity of morals which was known so much to prevail; it would have the same effect, that an uncontrouled revenue has upon the people in arbitrary countries, where they follow and attach themselves to the court, in order to procure places; which prevents them from turning their attention, or directing their pursuits, to industry, *and those* liberal professions and occupations, which render

men

men at once useful and ornamental to society. Finally, his lordship observed, that the noble lord who now presides at the treasury, and made the present application, was minister in 1769, and came then, on the same errand, for a sum of money to pay the King's debts; and, as well as his memory at this distance of time could serve him, he then assured the House that he would never come again on a like purpose; but armed with precedents at all points, all his lordship, he presumed, had to do, was to tell the House that the debt was contracted, and that it must be paid.

Lord *North*. He said, before he should proceed to answer the objections now urged by the noble lord who moved to have the order of reference discharged, or answer any of the reasons offered in support of the propriety and necessity of such a measure, he would beg leave to set his lordship right in the honour he had done him, by saying he was at the head of the finances when the last application was made to Parliament for the discharge of the King's debts. He begged leave to assure his lordship, he was not at the head of the finances; and his lordship must be convinced he was not, on recollection. He delivered the message, it is true, because he was then at the treasury-board; but he begged leave to remind the House, as well as the noble lord, that he did not promise, nor was he authorized to promise, that future applications of a similar nature would not be made. He confessed, that the task was a disagreeable one, taking it in the most favourable light; and when he last came upon a like errand, he little thought it would have ever fallen to his lot again; for as several of his predecessors, much his superiors in point of abilities, had continued but a short time in administration, he never entertained the most distant idea, or expectation, that he should ever again be compelled to repeat the same request: but at length, said his lordship, such is the stability of government, that an administration can even outlive eight years! His lordship then appealed to the sense of his general expressions, when he delivered the royal message in 1769, and insisted that he never promised to restrain the civil list expences within any certain bounds, or pledged himself to prevent any future excess. In answer to the excess of expenditure, so much dwelt upon by the noble lord, he said, the last four of the eight years, the expenditure had undergone a considerable decrease, nearly, if his memory served him right, to the amount of 100,000l. *per annum*. He said, that the last year it had increased, and that for a very

very obvious reason; because several steady friends to government, natives of America, and others, for their loyalty and attachment to the Crown and Parliament of Great Britain, had been stripped of their property, and driven thence, without the means of support; some without even the means of sustenance, to seek relief in this country. Many of these had been relieved by royal bounty, and had consequently considerably increased the out-goings; he believed to the amount of 27,000l. No notice, he observed, had been taken of several causes of expence that daily arose. If the Princess Dowager's death so far served to augment the royal revenue, the Prince of Wales, the Bishop of Osnaburg, and Prince William, remained to be taken out of it, to the amount of 12,000l. a-year. Again, the increased pensions to judges, amounted to upwards of 4000l. a-year; for though no regular applications were made on that account, he thought, that when great men had been worn down by age and infirmities, it would be extremely improper to neglect paying a suitable attention to their rank and services. He hoped the civil list expenditure would not, in future, exceed 900,000l. *per annum*, because the four and half per cent. duty, paid from the Leeward Islands, and the recovery of the American quit-rents, after the present unnatural rebellion, would form such a fund in support of the present proposed establishment, as would render similar applications to Parliament totally unnecessary. The noble lord had said a good deal respecting the charge of ambassadors, and the excess of expenditure under that head; but he was free to contend, that if the noble lord thought it worth his while to inspect that article again, he would find the expence of ambassadors rather diminished than increased; were the allowance made to Lord and General Howe deducted. The noble lord and his brother were paid as such; and having a secretary, the whole establishment was what principally caused the increase. His lordship entered into several computations, which controverted the facts laid down by the noble lord who spoke first; many of which depending on figures, were differently stated on each side, to answer the ends of argument, we shall pass over, as neither affording entertainment, nor acknowledged data that could be depended upon. He denied, that the influence of the crown had been on the increase since the accession of his present Majesty; but contended, that the strength of government had been purely augmented by the wisdom and rectitude of his

his Majesty's councils, and the esteem and confidence of his subjects. The obligations were mutual, and justly merited; and if such an influence as that described by the noble lord had really existed, he was perfectly satisfied his Majesty would employ it, not in endeavouring to abridge the liberties of his subjects, or in acts of oppression; but in protecting them in the full enjoyment of every thing which might promise to render them a prosperous, virtuous, and happy people. As to the last objection made to the proposed augmentation, that it would, as in arbitrary countries, tend to hurt the morals of the people, and generate place-hunters and idlers, who might be better employed, and thereby become more useful to the state; he could not possibly trace the consequence; for he knew no new places, or appointments, the present measure would give birth to; and as for such as were already established, he did not think it was in the power of the noble lord, or any other person, to reduce the number of those who make daily application for places, without he first undertook to reduce the number of places themselves; for without such a previous reduction, he was satisfied all other methods would prove totally ineffective.

Mr. *Wilkes*. There is not a gentleman in this House, or in the kingdom, more anxious than I am to see the splendour and dignity of the Crown of England maintained in its utmost lustre; although, for above a course of fifteen years, I have received from the Crown only a succession of injuries, and never, in any moment of my life, the slightest favour. I had the honour, Sir, of a seat in this House, when the affair of the civil list was first agitated in Parliament, in the beginning of his present Majesty's reign, when every good subject hoped to have more than the idea of a patriot King: I then heartily acquiesced in the proposed grant. The acceptance of an annuity of 800,000l. and the giving up to the public the ancient hereditary revenues of the Crown, originated from the throne, and was proposed to this House in the usual mode, by Mr. Legge, then chancellor of the exchequer. Parliament adopted the proposition, and it was accepted with gratitude by the King. The ministers of that time declared to this House the King's entire satisfaction; and that his Majesty should be happy to be delivered from the disagreeable necessity of ever applying to Parliament, like his predecessors, to make good the deficiencies of the civil list. It was admitted, that the allowances were competent, ample, most fully adequate to the wants, and even to

the splendour of the Crown. Parliament granted all the Sovereign asked, and made the grant in the very mode proposed by the minister. The civil list act expressly declares in the preamble, that 800,000l. was a certain competent revenue for defraying the expences of his Majesty's civil government, and supporting the dignity of the Crown of Great Britain. The nation thought themselves assured of not paying more than 800,000l. *per annum* to the civil list, and gave that sum cheerfully for the trappings of royalty. In the speech at the close of that session, our gracious young Monarch told us from the throne, "that he could not sufficiently thank us," and that "he thought himself much obliged to us, for what more immediately concerned himself." By this bargain, Sir, with the public, it was generally understood, and indeed admitted at that time, that his Majesty would be a gainer of near 70001. *per annum*. The noble lord with the blue ribbon has unfairly drawn his calculations, from only the last eight years of the late King's reign. He ought to have taken the whole of that reign together. In some years, the civil list was very deficient; in others, it greatly exceeded the sum of 800,000l. As this is peculiarly a day of dry calculation, I will observe, that from the accounts delivered in to Parliament, it appeared, that in the thirty-three years of George the Second's reign, from Midsummer 1727, to Midsummer 1760, the civil list produced only 26,182,981l.; whereas, 800,000l. for thirty-three years, amounts to 26,400,000l.; so that there is a deficiency of 217,019l.: the gain, therefore, on a net revenue of 800,000l. is, on an average, above 6576l. a-year. The sum of 800,000l. was at that time thought abundantly sufficient to support the splendour of the Crown, and the Majesty of this great people. His Majesty has received besides, 172,605l. the arrears of the late King's civil list, 100,000l. on account of Somerset-house, and an additional grant of 513,511l. in the year 1769, to discharge all incumbrances. The death of the Princess Dowager of Wales, was a saving of 60,000l. a-year, and the Duke of York of 12,000l. a-year. Yet, Sir, we are told of another debt of 618,340l. and called upon to pay that likewise, notwithstanding the former bargain with the public. The very proposal implies another violation of public faith. Sir, I will venture to say, if we are indeed just trustees for the people, if we conscientiously reflect that their wealth is entrusted to our care, that we are the *guardians of the public* purse, we ought to stop this growing evil,

evil, and to reprobate the idea of suffering their money to be thus squandered, as well as the country drained by a variety of taxes to supply a profusion, which arises from a violation of a solemn compact with the nation, and renders the limitation of the expences of the Crown by Parliament the most vague and absurd of all propositions. The power of control of the expences of the Crown is the very being and life of Parliament. Are the accounts on our table proofs of our boasted economy? and is meanness thus nearly allied to prodigality?

There is at present, Sir, a peculiar cruelty in thus endeavouring to fleece the people, when we are involved in a most expensive, as well as unnatural and ruinous civil war, and burdened with an enormous load of national debt, the interest of which even we are scarcely able to stand under. Is there no feeling for the sufferings of this impoverished country? Are the people really nothing in the scale of government? The principal of the national debt is stated to us at Midsummer 1775, to amount to the astonishing sum of 135,943,051l., and the interest to 4,440,821l., Is this the time, Sir, that a minister can with an unembarrassed countenance come to Parliament to lay additional loads on an exhausted nation, and to ask more of the people's money? When the greatest sources of our commerce and wealth are destroyed by his folly and wickedness; when we have already spent in this unjust war above nineteen millions, when above half our empire is lost; and those American friends, who have assisted us so frequently and so powerfully, are forced by our injustice to become determined enemies, and for their own safety to endeavour our humiliation? Are we at such a moment as this to talk of the greatness of the Crown, shorn of half its beams, when we have lost more than we have retained of this divided empire; when new taxes, and additional burdens on the people, are the sole objects of government? Is the civil list to increase in proportion to the loss of all those resources of trade and riches, by which it is fed and nourished? Is the nature of the civil list in the body politic analogous to what Lord Bacon says of the spleen, that it increases in proportion to the waste, decay, and rapid consumption of the other parts of the human body?

Sir, we ought to look back to what former Princes and Parliaments have done. I will take the consideration only from the glorious æra of the Revolution, and I will state it

fairly and fully. The civil list was not granted to King William for life till the year 1698, when 700,000l. a year was settled on him. The distractions of his government, and of all Europe at that period, are well known. His most generous views for the public were thwarted at home during the greater part of his reign by the Tories, as the friends of liberty are now harassed by them in America, according to the spirited letters of General Washington to the Congress. Queen Anne had the same revenue settled upon her. She gave yearly 100,000l. towards carrying on the war, a war against France, besides 200,000l. at least towards the building of Blenheim-House, and above 100,000l. for the support of the poor Palatines. We have a resolution of this House, Sir, on a report from a committee, which states this very fully. It is on the Journals of May 13, 1715, and in the following words, "Resolved, that the sum of 700,000l. *per annum* was settled upon his late Majesty King William during his life, for the support of his Majesty's household, and other his necessary occasions; and, at the time of his Majesty's demise, after the deduction of 3700l. a week, that was applied to the public uses, was the produce of the civil list revenues, that were continued and settled upon her late Majesty Queen Anne, during her life." The deduction for public services of 3700l. a week, or 192,400l. a year, from that part of the civil list revenue called the hereditary and temporary excise, was first made in the last year of King William. Notwithstanding this deduction, the civil list funds produced in that very year 709,420l. In the first of Queen Anne the same funds, with the same deductions, were settled on her for her life, and declared to be for raising 700,000l. a year for the support of her household, and the dignity of her government. In the 9th of her reign the old Post-office act was repealed, and a new General Post-office with higher rates was established, in consideration of which another deduction was made from the civil list revenue of 700l. a week, or 36,400l. a year. Both these deductions have ever since been continued.

George I. had the same revenue settled upon him as Queen Anne, but if 300,000l. paid him by the Royal Exchange and London Assurance Companies, and a million granted in 1726 towards paying his debts, are included, his income will appear to have been nearly 800,000l. *per annum*. In the first speech to his Parliament he took notice, "that it was his

his happiness to see a Prince of Wales, who may, in due time, succeed to the throne, and to see him blessed with many children;" yet the establishment of the civil list at the beginning of that reign was only settled at 700,000l. a year. It was not till after the great expences consequent on the rebellion of the Earl of Mar, and the other perjured Scots, who, although they had taken the oaths to his government, traiterously waged open and impious war against a mild and just Sovereign, that the Parliament paid the King's debts. In the reign of George I. the Prince of Wales had an establishment of 100,000l. *per annum*.

George II. had a very numerous family, and 800,000l. was at first settled upon him, with whatever surplus might arise from the duties and allowances composing the civil list revenue. In 1726 that part of the hereditary and temporary excise, which consisted of duties on spirituous liquors, was taken from the civil list, in consideration of which 70,000l. was transferred to it from the aggregate fund. The income of George II. including 115,000l. granted in 1729, and 456,733l. in 1747, towards making good the deficiencies which had arisen in the civil list duties, was 810,749l. *per annum* for 33 years. His late Majesty likewise had in his reign a Scottish rebellion, carried on by many of the same traitors who had been pardoned by his father. The expence of that rebellion to the King and kingdom was enormous; for it was not confined to the extremities of the island, but raged in the heart of the kingdom, and the rebels advanced to within a hundred miles of the capital. Such an event, Sir, not unforeseen, because foretold, was a just ground for the Parliament's discharging a debt contracted by securing to us every thing dear to men and Englishmen.

The establishment of the present King, at the yearly rent-charge to the nation of 800,000l., was a measure at the time equally pleasing both to the Prince and people. The minister boasted that there was not a possibility of any future dispute about the hereditary revenues, or concerning accounts suspected to be false, wilfully erroneous, or deceitful, kept back, or anticipated, to serve a particular purpose. I am aware, Sir, that the civil list revenues have been increasing for many years. The mean annual produce for the last five years of George II. was 829,150l., and for the first six years of his present Majesty it would have been, had the establishment in the late reign continued, 894,000l. In 1775 it would have been 1,019,450l. Near 90,000l. *per annum* of

this great increase has been produced by an increase in the Post-office revenue, occasioned chiefly by the late alteration in the manner of franking, and by the falling of the cross-posts to the public by the death of Mr. Allen; but these profits would probably, at least certainly ought to have been reserved to the public, had the establishment in the late reign been continued. At the foot of one of the accounts on our table it is stated, "the amount of 800,000l. granted to his Majesty from the 25th of October 1760, to the 5th of January 1777, is 12,965,517l. 4s. 9¼d. The produce as above exceeds the annuity by 2,381,241l. 9s. 1¼d. But Parliament granted to pay off the civil list debt, on the 5th of January 1769, out of the supplies for the year 1769, 513,511l. which being deducted, shews the gain to the public to be 1867,730l. 9s. 1¼d." The bargain concluded for the public was of an annuity to the King of a clear 800,000l, subject to no deductions or contingencies, for his life, on a solemn promise of that being made to bear all the expences of the civil list, and the royal household. It was a fair compact of finance between the King and the subject, ratified by both parties. The most explicit assurances were given by the chancellor of the exchequer, in the King's name, that no more should be asked, and that now his Majesty could never be under the disagreeable necessity of importuning this House with messages of public concern.

I have, Sir, carefully examined the accounts laid before this House by his Majesty's command, the eight folio books and the other papers, and I will venture to say they are as loose, unsatisfactory, perplexed and unintelligible, as those delivered in by the noble lord with the blue ribbon in 1770, a year after the former demand to pay the debts on the civil list, and more loose, unsatisfactory, perplexed and unintelligible no accounts can be. Their defectiveness and fallacy is highly culpable. The coming to Parliament with such a demand, but without any account whatever, was an insult to this House, and the laying before us such accounts as those on the table is a solemn mockery. Many gentlemen in the House declared last week their opinion, that after the strictest examination, they could make nothing of those former accounts. It was not intended they should. One particular only fixed my attention as an individual. Under the head of secret and special services, I find that between October 1762, and October 1763, a most memorable year, there *was issued to* Samuel Martin, Esq. 41,000l. We have indeed,

deed, Sir, had a week allowed to go through these accounts, but I will venture to affirm, that a year would not be sufficient to clear them from their studied perplexity, to give order and light to such a chaos. The most able accomptants do not pretend to understand them. They would puzzle a Demoivre. Ægyptian darkness hangs over the whole. There is not one friendly ray of light to lead us through this labyrinth.

No account, Sir, whatever, is given Parliament of the other considerable revenues of the crown, besides the annuity of 800,000l. I do not mean the income of the Electorate of Hanover, or Bishopric of Osnaburg, but what his Majesty enjoys as King of England. That is a fair consideration with us, when the House are providing for the support of the lustre of the Crown, which I fear is at present a little tarnished. The extraordinary revenues of the Crown are, the revenues of Ireland, the Duchy of Cornwall, the land revenue within the Principality of Wales, the revenue of Gibraltar, American quit-rents, now generally lost, irredeemably lost, the Plantation duties of 4½l. *per cent.* from the Leeward Islands, fines, forfeitures, and many other particulars, which certainly carry the royal income to much above one million a year. We may form some guesses from the grants we find made. From the revenue of the Duchy of Cornwall it appears that 17,000l. issued to Mr. Bradshaw in one year, and 11,000l. in another. From the 4½l. *per cent.* in 1769, for his Majesty's special service, 14,742l. to Sir Grey Cooper. In 1771 John Robinson, Esq. received 10,000l. of the Virginia quit-rents, the last payment I believe of that nature. Sir Grey Cooper in 1769 received 2144l. from the revenue of Gibraltar; and in 1765, 13,804l. were issued thence for special service. Such copious streams must flow from rich and abundant fountains. The Plantation duties of 4½l. *per cent.* produced in 1753, 27,377l. fines and forfeitures are a very considerable addition to the royal revenue. I was plundered in one year of 1000l. in two fines, one of 500l. for a pretended libel, and another of the same sum, because I had a laughable poem locked up in my bureau, which administration hired a rascal of a servant to steal, and then contrived to have published.

The business of this day, Sir, is naturally branched out into two parts, which claim our attention. His Majesty's message points out both of them to us. The first is the outstanding debts, the second the increase of the establishment of the civil list. Before

Before we proceed, Sir, to take into consideration the payment of the King's debts, we ought to know in what manner they have been contracted. The King has enjoyed the greatest unappropriated revenue of any Prince in Europe, and the expences of the whole Royal Family have never exceeded 160,000l. a year. A committee should be appointed for both the purposes mentioned, and papers very different from those before us, ought to be submitted to Parliament. It is impossible for us now even to guess from these accounts, in what way so enormous a debt as 618,340l. has been contracted, and that there should remain in cash in the exchequer on the 5th of January last, only 35,640l. The Queen has indeed 50,000l. a year regularly paid; but the expence of the Prince of Wales and the Bishop of Osnaburg, is charged from 1769 to 1777, only 42,242l. Prince William Henry and Prince Edward, for the same period, 5,017l. The King's message, Sir, leads us to consider the state of the Royal Family. His Majesty has two brothers, universally beloved by the nation. I find no trace of any debts contracted by the Crown on their account; no princely grants to either of the King's own brothers. As an Englishman, I regret the scantiness of their incomes. The Duke of Gloucester seems doomed to pass his life abroad; and it is certainly neither from choice, nor from the ill state of his health. The Duke of Cumberland is happier, and lives in England. He possesses all the virtues, and supports with dignity the rank of a private, benevolent, amiable nobleman. His income is by no means adequate to the splendour of a Prince of the blood, of a Prince of the blood so near to the King as his Majesty's own brother. How then, Sir, has this enormous debt been contracted? No outward magnificence has dazzled our eyes; no internal domestic profusion has been imputed to the lord steward of the household, who almost alone has continued in office this whole reign. We have scarcely the appearance of a court, even in the capital. Former Kings, with very inferior revenues, were generous and splendid, their courts pompous and brilliant. His Majesty's residence at Windsor the last summer did not quite revive all the ideas of the magnificence, and even hospitality of the Plantagenets, nor sully the glories of our Henries and Edwards. No stately buildings, or proud palaces, no imperial works, and worthy Kings, have excited our wonder, *or called foreigners* from the continent to our island to ad*mire our taste* and magnificence. An honourable gentleman,

Sir,

Sir, tells us of the King's houses. The former Kings of England, Sir, lived in palaces, not in houses. His Majesty has not yet had a Scottish rebellion to quell. The royal revenues have not been expended against the Scots, but surrendered up to them, an idea little suspected by the people of England, when they gave at first with such a liberal and even prodigal hand. How then, Sir, has this debt been contracted? There are no outward and visible signs of grandeur and expence. I will tell the House what is said without doors, what the nation generally suspects, and therefore it becomes our duty to investigate. The nation, Sir, suspects that the majorities in Parliament are bought by these very grants; that in one instance we attend to the evangelical precept, *give, and it shall be given unto you*, and that the Crown has made a purchase of this House with the money of the people. Hence the ready, tame, and servile compliance to every royal edict issued by the minister. Inward corruption is the canker which gnaws the vitals of Parliament. It is almost universally believed, Sir, that the debt has been contracted in corrupting the representatives of the people, and that this public plunder has been divided among the majority of this House, which is allowed to be the most corrupt assembly in Europe, while the honest and fair creditors of the Crown have been reduced to the greatest distress. Compassion for them is only made the pretext of the present message. This, Sir, is a fit object of parliamentary inquiry.

The alarm was spread through the country. The charge is taken up by almost every independent man in the kingdom. It is asked, did the last parliamentary grant of 513,511l. so lately as 1769, to pay the King's debts, give satisfaction to the honest tradesmen and inferior dependents of the Crown, or was it diverted another way? The majority of this House, Sir, ought not to lie under this suspicion, nor will they, if they are innocent. They ought likewise to vindicate the honour of our Sovereign from the foul suspicions which are gone abroad. A heavier accusation can scarcely be brought. Mr. Locke, Sir, in the chapter On the Dissolution of Government, says, "He (the supreme executor) acts contrary to his trust, when he either employs the force, treasure, and offices of the society, to corrupt the representatives, and gain them to his purposes, or openly pre-engages the electors, and prescribes to their choice, such, whom he has by solicitations, threats, promises, or otherwise won to his designs; and employs them to bring in such, who have promised before-hand what

what to vote, and what to enact." What, Sir, was the case of Hine's patent place in the collection of the customs at Exeter, publicly sold, and the money given, not to a needy public, but to General Burgoyne, to reimburse him the expences of the Preston election, and the subsequent prosecution and fine of 1000l. by a court of law, for the outrages committed in Lancashire against the sacred rights of election? That instance alone merited an impeachment from Parliament against the profligate minister of that day.

If there is, Sir, a spark of virtue left among us, we cannot sit down contented with such loose general accounts, that secret and special service, the privy purse, treasurer of the chamber, the cofferer of the household, royal bounties, pensions and annuities, should swallow up almost the whole civil list. There is a general charge of pensions to the amount of above 438,000l. The pension list is the great grievance. From 1769 to 1777, there is a single line of 171,000l. secret and special service issued to Sir Grey Cooper. In the same period, under the same article, 114,000l. to John Robinson, Esq. exclusive of enormous sums on the same heads to the secretaries of state, and the secretary of the Post-office, generally in one short, single line. When we know, Sir, what prosecutions have been carried on, an article of 60,000l. in one year, as law charges, ought to alarm us no less for the liberty of the press, than the private property of individuals by unfounded claims of the Crown. Under the head of contingencies of divers natures, we are lost and bewildered in a rambling account, of which it is impossible to guess the least particular. We find Messieurs Amyand and Siebel receive 38,692l. to pay bills of exchange: and in another line, Thomas Prat, Esq. 8139l. to pay another bill of exchange. For what purpose? Such accounts, Sir, are only calculated for such a servile Parliament. Pensions, annuities, and royal bounties, shall with much caution be touched by me, even in this House. One word only of literary patronage, as it seems to be a favourite subject. We are Sir, hourly told, that genius and learning are now fostered by the propitious beams of royal favour, and all the polite arts encouraged and patronized. I shall just mention a specimen of the choice made of literary pensioners, with a slight animadversion on the apparent absurdity of four literary pensions. The two famous Doctors Shebbeare and Johnson, are pensioners. The piety of our Sovereign to the memory *of his grandfather*, as well as gratitude to that of our glori-

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ous Deliverer, should surely, Sir, have prevented the names of these two Doctors from disgracing a civil list, which both of them had repeatedly and publicly declared the King's family had no right to, but they considered as a flagrant usurpation. These two Doctors have in their writings treated the late King, and King William, with the utmost virulence and scurrility, and they are the known pensioned advocates of despotism. The two other instances are ridiculous enough! David Hume was pensioned in this pious reign for attacking the Christian religion; and Dr. Beattie for answering him. In this manner is the public treasure lavished; but these I own are mean objects, and of trifling concern. The great mass of the debt remains unaccounted for, and is suspected to be contracted for the most criminal purposes. It is necessary to satisfy the people that the inquiry should be made; and therefore I hope the House will instruct the committee to that purpose.

Let me now, Sir, suppose, that Parliament acquiesces with the present claim, what cheerful ray of future hope have we to comfort us that future demands will not succeed? Will this be the last court job, even of the present minister? No assurances whatever are given, not a hint of economy, or frugal management, or the least care of the public treasure in future. Surely such a mode of proceeding is highly unbecoming, indecent, and contemptuous. May I, Sir, pass the invidious straits of Calais, and consider the state of the neighbouring monarchy with respect to the King's household and debts? By two new edicts for the regulation of the King's household expences, of pensions, and royal bounties, all arrears are to be discharged within six years, and a fixed resolution is declared *pour concilier avec une sage économie les dépenses que l'éclat de sa couronne peut exiger*. From the first of last January all future expences whatever respecting the household are to be paid in the course of the current year. The very first article is, "l'année révolue de toutes les dépenses de la maison due Roi, tant par entreprises que par fournitures, ser à l'avenir payée comptant au trésor royal, dans le courant de l'année suivante, à raison d'un douzieme par mois." Would to God, Sir, such a spirit of justice and reformation crossed the channel to this capital! We alas! have not a gleam of hope of any reformation. The French King, Sir, has likewise two brothers, Monsieur and the Count d'Artois. They have found in their Sovereign an affectionate and generous brother, not a gloomy tyrant, like——Louis the XIth.

They

They are a united and happy family. What the King has given them in important grants, and *en apanage*, as it is called, enables them to support with *eclat* their high rank. The new regulations of the French King's household expences and debts are founded in justice, and are no extraordinary burden on the people. The first Prince of the Hanover line observed the same conduct; for the message of George I. to this House of July 11, 1721, is, that "being resolved to cause a retrenchment to be made of his civil list expences for the future, and finding that such a retrenchment cannot well be effected without discharging the present arrears, his Majesty has ordered the accounts thereof to be laid before the House, and hopes he may be empowered to raise ready money for that purpose, on the civil list revenues; which, to avoid the laying any new burden on his people, his Majesty proposes, shall be replaced to the civil list, and reimbursed by a deduction to be made out of the salaries and wages of all offices, and the pensions, and other payments, from the Crown."—The prostitute Parliament of 1769 gave the money out of the current expences of the year, without a line of any account.

When we are repeatedly told, Sir, of the present splendour of the British diadem, of the extent of our empire, and the greatness of the Sovereign, I own the diminished rays of the Crown occur to my painful imagination. It brings to my recollection what was said of Philip the Fourth of Spain, when Louis XIV. was taking all the towns, one after another, in the Netherlands, "Sa grandeur est comme celle des fosses, à proportion des terres, qu'on leur ôte."

The noble lord near me [Lord John Cavendish], has said that he wished a strict review of the whole establishment of the Crown, as to the civil list. I perfectly approve the idea. Almost the whole requires a new regulation. I think the judges in particular ought not to be paid out of the civil list, but by the public. They cannot be now displaced, but they may be starved by the Crown. The spirit of their independence ought to extend as well to their salaries as to their commissions. I observe, Sir, in the civil list accounts on the table, an article, "Lord Howe and Sir William Howe, commissioners for restoring peace in America 100l. per week each, arrears 1742l." The noble lord with the blue ribbon has just called them ambassadors. Have we then already acknowledged the united colonies of America as a sovereign state, like the united provinces of Holland? If we have not, the

event

event must happen. The peaceful mode adopted by the two brothers, according to my calculation, will not soon restore peace in America, but it will possibly be the period of the Trojan war, ten years at least, so that we may compliment the Howe family with above 100,000l. free gift, at the rate of 100l. per week each brother, besides settled pay, as officers. But, Sir, what connection has such an article as this with the civil list, with his Majesty's household?

Let us not now, Sir, rashly proceed in the iniquitous method of deciding on these two important questions, the expenditure, and the increase of the civil list, without hearing the evidence, or hearing it only in part. We have not sufficient *data* to proceed. By such injustice we lost America. We proscribed the inhabitants of Boston without hearing them, and in the same manner adopted coercive and sanguinary measures against the other colonies. Let us not now advance a single step but with caution, with fear, and trembling. We are asked to furnish the ministers with weapons, which may be employed to our own destruction, against the liberties of our country. An increased undue influence must necessarily be created, and the over-grown power of the Crown enlarged. They only want what are called the sinews of war. The doctrine is now avowed of the legality of introducing foreign troops into the British dominions. The minister has the power of the purse, and therefore of the sword. How many nations have totally lost their liberties by internal corruption, and by mercenary armies? There is an affected false alarm about faction and civil discord, but it is well known that civil dissentions have often been even favourable to freedom. Montesquieu observes of England, "On voit la liberté sortir sans cesses des feux de la discorde et de la sédition, le Prince toujours chancelant sur un trône inébranlable."

I desire, Sir, to submit to the noble lord near me [Lord John Cavendish] whether, in point of form and precedent, instead of discharging the order for referring the King's message to the committee of supply, which his lordship has moved, it would not be more proper to instruct the committee on the two important points of the message, the paying his Majesty's debts, and the addition to the standing revenue of the Crown. If his lordship and the House adopt that mode, I shall then move, "that it be an instruction to the said committee, that, before they proceed to consider of his Majesty's most gracious message, they do consider of the causes of the debt due on account of the civil list, and likewise

likewise what further provision may be necessary to support the splendour and dignity of the Crown of Great Britain."

Mr. *Byng*. If I am under the necessity of continuing to confess my inability to understand the accounts, still more do I feel myself at a loss to comprehend the arguments of the noble lord; who has asserted, that upon the face of the account there is a diminution of 100,000l. in the expences of the last eight years; and yet he concludes with a demand of 100,000l. more; that the expences have gradually diminished, yet the demand increases with the diminution of expence, and the future revenue is to rise beyond the average of the last eight years. The medium is under eighty, but the demand is one hundred thousand pounds a year; the noble lord claiming a merit at the same time of a reduction within the four last years, even to that average, and confessing they might still be retrenched. No benefit is to arise to the public from the savings, as if the possibility of saving was the argument for an enlarged revenue.

Sir, this awakens my suspicions more particularly, when I observe the exceeding of one hundred and one thousand pounds in the article of secret service money, and the pensions having risen from 192,000l. to 269,000l. I speak of those only paid by the secretary of the treasury; which articles I wish strictly to examine; by no means repining at the fair, open, and visible expences of the Crown; and when the noble lord tells us, that there are more tables kept at St. James's, I will freely answer him, I wish there were more still, as we are all equally interested in the support of the dignity and grandeur of the Crown. Nor do I mean to arraign all secret service money, nor all pensions. A commander in chief must procure intelligence by money; there is a necessity for allowing it to a secretary of state; but in the hands of a secretary of the treasury it is truly dangerous. Pensions to individuals, in reward for services performed, confer equal credit on the donor and receiver; but pensions paid by a secretary of the treasury to we know not whom, and we know not for what, threatens the constitution, and ought to alarm this House. But to talk of accounts is become truly ridiculous. You addressed for the proper officers to lay the accounts before you; and what was the answer? Sir, I will read you from the Journals, a memorandum at the bottom of the main account.

"The deputy auditor of the exchequer having repeatedly *declared* the impossibility of making out an account of the civil

civil list expences, which incurred and became due at that office for above eight years; therefore the lords of the treasury directed that the same should be made out in the best manner possible from the entries in the treasury books.

"The treasurer of the chamber, having informed their lordships, that from want of materials in his office, no account can be made up of the charge during the same time, the above charge inserted in this account, is therefore the amount of the several sums craved by the then treasurers of the chamber for those years, and which were actually paid upon their memorials to the treasury.

"The master of the horse not having any accounts in his office, to enable him to make out the charge there, the same hath been done in respect to the expence of that office, as in that of the treasurer of the chamber. The other charges are taken from the accounts transmitted to the treasury from the several other offices above-mentioned.

"As it is impossible to make an annual account from the 1st of January to the 31st of January, therefore this account is made for eight compleat years, commencing the 1st of January, 1761."

You may by this see the effects of your application. All tell you of the impossibility to give you an account, for all are equally unable or unwilling to give you a full, fair, and satisfactory account. The treasury call on them likewise, but for once call in vain, and then that treasury that has expended the secret service money, that has paid the secret pensions, gives you such accounts as best suits their pleasure; then can there be, Sir, a wonder that the accounts are deemed by all unintelligible?

Lord *North* rose in reply to the two honourable gentlemen who spoke last. He contradicted several of the facts, and controverted several of the deductions drawn and stated by each of them. He contended from the premises he laid down, that the late King's revenue, including the 450,000l. granted by Parliament to him in 1747, exceeded the average income received by his present Majesty, since his accession, even taking in the 513,000l. given by Parliament in 1769; and if the increased value of the necessaries and luxuries of life, and other domestic circumstances, were taken into the account, he insisted that 900,000l. a year, at present, was not equal to 800,000l. about the year 1742 or 1743, the period at which the average expenditure of George the Second should be struck. He saw several gentlemen present, who

remember how much more valuable money was thirty-five years ago than now; and he trusted to their candour, and that of every gentleman who heard him, to form an equitable estimate in his own mind, of what would be a proportionate augmentation to the increase of expenditure, arising from an increase of the necessaries of life. His lordship presumed, that the honourable gentleman [Mr. Wilkes], when he supposed that the majorities in that House were created by the increased influence of the Crown, did not mean to conclude, that each individual who composed those majorities was bribed or influenced in the vote he gave. That, he would venture to say, was not the intention of the honourable gentleman: such a proposition maintained without reserve, would cut up by the roots all pretensions to free inquiry, or conduct arising from opinion. The honourable gentleman thought differently from him; there was no just foundation for charging the honourable gentleman with being influenced by improper motives. On the other hand, he, and those who thought with him, might act upon principle, and not, as the honourable gentleman termed it, be influenced by a temporary pension. As to the objection urged so warmly against the account relative to the disbursements in the office of the treasurer of the chamber, not being accompanied with vouchers in one period, nor even the sums specified during another period; that, he said, might be explained satisfactorily, by repeating a single fact, which was, that his predecessors in office had taken away all the papers, which contained the information now so earnestly sought. So the case stood, particularly as to that of the master of the horse, and so in every other instance, in every other account, as far as the objection could be fairly maintained or supported. On the whole, therefore, the charge of the accounts being defective, mutilated, or imperfect, must fall to the ground. The treasury had taken all possible pains, and used all the industry in their power, to satisfy the House. They had ordered the books to be minutely examined, and the warrants to be compared with the books. If some of the vouchers were mislaid, lost, or taken away, the treasury-board could not be blamed. They looked for every necessary document that seemed necessary to explain the account; they produced such as they could obtain; and if any were wanting, no blame lay on the board; for they had exerted themselves to procure a satisfactory account, and if they failed in any particular to afford

ford that satisfaction they were so desirous of giving, they had faithfully discharged their duty; for they had given the best account the nature of the expenditure, and the manner of keeping the accounts, would admit of.

Mr. *Burke* was severe upon the noble lord who spoke last. He said, that the time of bringing in this demand was full of indecency and impropriety; that when we were going to tax every gentleman's house in England, even to the smallest domestic accommodation, and to accumulate burthen upon burthen, nothing but a confidence in the servility of the House, and an experience in our carelessness with regard to all affairs, could make the ministry desperate enough to tell us, 'tis in such a time we had not provided sufficiently for the splendour of the Crown. That the main argument on which the demand stood, was the experience of the whole reign, that 800,000l. was not sufficient for the civil list expences. To this ground of argument he objected; because if it were once admitted, the propriety of every man's practice would be judged by the practice itself; a man's extravagance would become the measure of his supply, and because he had actually spent a great deal, he ought in reason to be furnished with a great deal to spend. That this would be to establish a principle of public profusion, which could never cease to operate, whilst we had a shilling to spend. That it would even make it the interest of ministers to be prodigal, since their extravagance, instead of lessening their income, would be the certain means of increasing their estate.

Having refuted this kind of argument; taking for granted the very point in question, which was, whether the ministers had managed well or ill; whether they had incurred the debt properly or improperly, he said, that the only way of judging of this matter, was to proceed as wise men ought to do in all their private affairs, viz. to try whether the object obtained was equal to the consideration paid.

The object to be obtained was the royal dignity, the consideration paid was 800,000l. a year. The sum has been paid; has the object been attained? Is the court great, splendid, and magnificent? To know whether the royal dignity might have been attained for that sum, and to discover whether the not obtaining it was owing to the scantiness of the supply, and not to the mismanagement of what was given, it was proper to see how other Kings had maintained the royal dignity; what their charge, and what their incomes were. For this purpose, he took a comparative view of the income

stile of living of his present Majesty and King George the Second, and of King William. That George the Second had a more extensive family for a great part of his reign; that his income was not larger, nor so large, as that of the present King; that he appeared in a more princely manner than the ministers suffered the present King to live. That King William had but 700,000l. a-year; yet that all his expences were great and royal: and if it should be objected, that all means of living in splendour were cheaper in that age, he answered, first, by doubting the fact, and saying, that though some of the same articles might be cheaper, others were much dearer. Next, he said, that this argument of the price of things could serve no purpose in the present question, because King William not only did more, but paid more; that his charges in all articles, in which royal dignity properly consists, were higher than the correspondent articles of the King's expences; larger, not only in effect, but in account. That King William was censured for being expensive; he was so; but he was magnificent: he attained his object, which appeared in the number and stateliness of his buildings, his furniture, pictures, &c. &c. King George the Second was accused of parsimony, not wholly without reason; but he attained his object; he was rich. His present Majesty, to whom no one imputes either extravagance or penury, is, by the mismanagement of his ministers, neither magnificent nor wealthy. That King William's magnificence was useful to the public: it added to the splendour of the Crown and the dignity of the nation; and we have the monuments of it still. King George the Second's economy added 170,000l. into his Majesty's civil list, at his accession. He did more and better. King George the Second maintained a year's war in Germany, against the whole power of France, in a quarrel wholly British, at his own expence. He spent about a million sterling for this nation; and after all, he died not poor, but left a large sum, besides a surplus of civil list cash, to his present Majesty.

From all these circumstances he concluded, that the debt incurred could not be for the royal dignity, but in ways not fit to be avowed by ministry, and therefore very fit to be inquired into by this House. He dwelt long upon the above heads; on which, and other topics, as well in answer to the ministerial arguments, as shewing the ill consequence of payments of all debts on the proof of their mere existence.

Right

Right Hon. *G. Rice* explained what had been mentioned by Lord North, relative to his predecessors in office taking the papers away, which were necessary to vouch the first four years of the accounts which came from the office of the treasurer of the chamber. He said, the warrants from the treasury, with the accounts of sums issued, were vouchers sufficient to shew the faithful disposition of the money. That, allowing some of the articles in the account did not appear so well authenticated as could be wished, or that a saving might be made; in either event, it would be proper to go into the committee, because he believed no gentleman present would say, that the King's debts ought not to be paid: they were the debts of the public; and no matter how they were incurred, they must be paid by the public; and if the motion for discharging the order was intended to make way for a committee of inquiry, that committee might be moved, after the committee of supply had come to the first resolution, to discharge the debt already incurred. He affirmed, from his own knowledge, and by every thing he could learn from others, that all possible frugality had been practised in every branch of expenditure of the civil list revenue; but that some of them were, notwithstanding, on the increase, and were likely to augment, instead of diminish; and if to this were added a numerous increasing family, several of whom, in a series of a few years, would call for separate establishments, he did not see how the House could, with any degree of consistency, or regard for the honour and dignity of the Crown, refuse the augmentation, which he understood it was the intention of the ministers to ask. The papers on the table already shewed, that the average expence of maintaining the household, and defraying the expences of the civil government, was, on an average, since the present accession, about 870,000l. a-year; and that the amount of the duties relinquished by his Majesty at that period, was pretty nearly equal to the expenditure; that probably those duties would still continue to increase; so that taking the matter in either a retrospect view, or in its consequences, the nation, though the revenue should be augmented 100,000l. would, on the whole, be found to be no loser.

Mr. *Adam* spoke next. He very sincerely regretted our present situation, but did not agree with the honourable gentleman [Mr. B.], that it was a sufficient reason against the motion; but, on the contrary, that rendering our Sovereign respectable, might prove a means of relieving us from that

situation, as it must give an idea of the vigour and resources of this country, which could not fail to have a tendency to prevent hostile attempts upon the part of our enemies, and strike the minds of our revolted colonies with terror. And it must therefore prove a salutary measure, even in this moment of distress, to discharge the arrears upon the civil list.

With regard to increasing the revenue, he took it for granted, that the only objection to it was, that by putting too much power into the hands of the Crown, it might endanger the liberty of the subject, and be prejudicial to our national happiness. That one great ingredient in the happiness of a nation, was the respect it held as a nation. That it yielded to internal freedom alone, and that this latter blessing gained additional value, as the means of procuring the former. That in order to secure that respect which rested upon national independence, as its basis, no necessity should be created, that could make it desirable in any degree to barter that independence for a temporary ease and advantage. That such necessity had, in former times, suggested to Charles the Second his dangerous connexions with France, the ignominy and disgrace of which might have been saved, had his Parliament been less rigidly parsimonious. That the eminent virtues of our present Monarch happily secured us from every such idea, so far as it depended upon his steady and earnest desire to maintain our respect and independence: but we could not always depend upon the minister who might have the immediate management of affairs. To secure us, therefore, against the machinations of wicked ministers, we should render the private revenue of the Crown equal to its necessities. Mr. Adam, when he said this, did not mean to assert any thing prejudicial to the honour of the present minister. That he had, upon former occasions, animadverted upon the conduct of the noble lord: that they were public animadversions upon a public conduct, which he made, because he felt them just, and which he would never hesitate to repeat, when similar circumstances should produce a similar conduct: but that his character appeared at present in another point of view; and he was convinced that the noble lord was too much a gentleman, and too much an Englishman, to entertain any idea prejudicial to the independence and respect of this country: but that we were not always to see the noble lord in the place he now filled; and when another should come, without the same virtue and the same talents, we might see the disgraceful days of Charles the Second renewed, and

and another Dunkirk sold to relieve the embarrassments of a scanty revenue.

He next stated an opinion which he professed had at first sight a paradoxical appearance, but he thought the paradox would vanish upon a state of the argument. It was, that increasing the revenue of the civil list would add security to the liberty of the subject. That prerogative having been done away at the Revolution, influence, it was now thought, had taken its place, and was the disease which threatened our constitution. The way therefore to prevent the evils of influence, was to keep it from acting, or allowing it to act in as few instances as possible. If we could prevent its operation in ten instances, by admitting it in one, we might by this means award the blow, and perhaps destroy the disease that threatened our liberty. It was therefore better to give an adequate revenue to the Crown, than to suffer repeated applications to Parliament for the payment of arrears; which, by being repeated every two or three years, would make the importance of the grant dwindle into the same insignificance that attended the common and most trivial operations of Parliament; and that this day would cease to be, as it now was, a day of terror to the minister. He said, there was a great and marked distinction to be attended to in this argument, between the civil list or revenue of the Crown, and the revenue of Parliament. That distinctions of this nature were essential to the existence of the constitution, as they steered us between the horrors of despotism on the one hand, and the evils of a republic on the other. That the first revenue was subject of calculation, and an adequate sum ought to be fixed, that applications for arrears might be avoided. That the other could not be matter of calculation, at any distant period of time, as it altered with the necessity of the times. Besides, it was that revenue which supported our fleet, maintained our army, paid the interest of our national debt, the revenue upon which our liberty, dignity, and independence rested. That if any minister should dare to encourage an idea that could render that revenue independent of Parliament, no punishment could be too bad for his crime. He then shewed that this distinction had been recognized at the Revolution, and entered into a history of the civil list from that period downwards, to prove that to agree with the motion of the day, was to follow out the idea of the revolutionists: and concluded by saying, that if our national respect was to be preserved, and our internal freedom to be

rendered more secure by an addition to the revenue of the Crown, we ought cheerfully to unite in a measure that would give comfort and dignity to a Prince so highly virtuous and respectable.

Right Hon. *T. Townshend* assured Mr. Adam, that he had too much respect for his person and his talents, to presume to treat his arguments with ridicule or with levity. He hoped, however, that his expressing his surprize at the novelty of the arguments would not be construed into disrespect: and if, upon his bare recital of them, the House should receive them the second time in the same manner as they had done the first, he trusted that reception would not be attributed to any levity in the person who repeated them. He owned that his dull imagination would never have enabled him to conceive that a time when you were engaged in an enormously expensive war, was the hour of all others the most proper to give away a large sum of public money; or that such a conduct would impress your enemies with fear, and that such profusion would give them a higher opinion either of your strength or of your wisdom.

He could not help arguing with the honourable gentleman, in his apprehensions of the increase of the influence of the Crown. He thought with him, that it threatened the annihilation of any balance or proportion between the different branches of the legislature. But he had always supposed that influence to arise from the great revenues and great emoluments which were in the disposal of the Crown. He therefore imagined, that an increase of influence, rather than a decrease of it, was likely to be the consequence of an increase of those revenues. He was so bigotted to these opinions, that he had found himself inclined to doubt, for once, the solidity of the reasoning of the honourable gentleman. He could not help thinking that his talents had a little failed him. He was at first at a loss to what cause he should attribute it, but recollecting the warm and enthusiastic terms in which the honourable gentleman mentioned a lately deceased, learned, and ingenious author [Mr. Hume] he could not help thinking that the gentleman was ambitious of being thought the boldest disciple of that great master of paradox; and nobody, indeed, could justly deny him the honour to which he aspired. His arguments had the merit of being new and ingenious, but yet they did not seem likely to make any converts. Paradoxical they might be, but they did not equal or come near the extravagance of an assertion which he was sorry to hear fall from his

his honourable friend [Mr. Rice] who had spoken the last but one, "that the debts of the Crown were the debts of the public, and however incurred, must be paid by the public." If this doctrine were true, what had the House more to do, than to come at once to the vote? No one that walked the streets could doubt the existence of such a debt, and whether it was produced by necessity, or by the most scandalous profusion, was an object above their consideration. The ministers of the Crown had incurred the debt; the representatives of the people were under an obligation to pay it out of the purse of their constituents. He could not, however, persuade himself that, upon recollection, his honourable friend would continue to support that position: and indeed he thought he perceived by his countenance, that he wished to retract it; he therefore would dwell no longer upon so disagreeable a subject.

He then proceeded to consider the motion itself as made by Lord John Cavendish, which he said, would be found to be the constant practice of the House on messages of this kind, except in the precedent of the year 1769, when the message was at once referred to the committee of supply. He thought there could be no suspicion of a want of respect for the Crown, in following the former precedents, which had an appearance more becoming Parliament, as they implied a desire to examine into the causes of the debt. The mode proposed at present was to pay the debt, and increase the revenue without any such investigation. That he dreaded the principle upon which we were going to increase the civil list more than the vote itself. For it was assumed, that the revenues applicable to the late King's civil list being improved, the King had a right to what was called an indemnification for what his Majesty had casually lost, by accepting of the annuity of 800,000l. Now he did not conceive that it could be supposed that those duties having been given upon a supposition that they would amount to 800,000l. a year, or thereabouts, the Crown had a right to the further amount of them, let them increase ever so much. That this argument was still more extraordinary, when we considered that one of them, if not more, had been increased by acts of Parliament subsequent to the civil list act. The revenue he alluded to was that of the post-office, which was improved by the restraining the privilege of franking. According to that principle, the people were to pay the Crown for the additional burthens that has been laid upon themselves. He was not sure that there had not been more alterations

tions in other revenues, which were formerly appropriated to the King's civil list: if there were, the same argument would apply to them.

Another branch which had increased of late years, was the seizure of uncustomed goods. He was at a loss to know how to account for that increase. Smuggling, to be sure, is of late years much increased, to a very dangerous height: but as the public lose a great deal more by the customs being defrauded by the smuggler, than they get by the seizures, he could not think it very just that they should pay for that loss.

This matter would have been easier to ascertain, if the account of the amount of the duties formerly applicable to the civil list, had not been made up in a very extraordinary manner: and what is more extraordinary, is, that pains must have been taken to make it unintelligible.

In the year 1726, those accounts were produced to shew the amount, and likewise the deficiencies of those duties; every branch of revenue was thus stated separate, as it was received from the office of customs, excise, post-office, exchequer, &c. but in the present instance, all those branches were lumped together, and set down without distinction in one column. The sums given by different acts of Parliament, and which must always be the same in every year, were indeed separated into four columns; by this means all investigation of the separate articles of the duties was carefully prevented: and if it was not for that purpose that the account was made up in this whimsical manner, it was not easy to assign the true reason.

He then observed upon the applications to Parliament, on account of the civil list, in the reigns of Queen Anne, King George the First, and King George the Second.

As to Queen Anne, when it was considered that she had contributed 100,000l. a year out of her civil list, to the expence of the war, as well as that the Parliament had diverted some of the civil list revenues to public services, it was unnecessary to say how just a claim that Princess had to the assistance of the public.

In King George the First's time, it is sufficient to say, that after various endeavours of his Majesty to extricate himself from the debts of the civil list, that purpose was accomplished without any additional burthens being laid upon the public. The grants to the London Assurance and Royal Exchange companies, raised 300,000l. The civil list bore the *weight of the rest* of its own debt.

He

He was surprized to have heard asserted, that the debts of the civil list had been paid by Parliament in the reign of King George the Second. His late Majesty had, indeed, two sums granted him by Parliament, upon the account of the civil list; 115,000l. in 1729, and 456,733l. in 1747.

The first sum was granted upon account of the *arrears* of the civil list revenues, and was to be replaced at his demise out of the out-standing arrears of those revenues, if those arrears, together with the 115,000l. should be more than sufficient to make up the produce of the said revenues, 800,000l. a year for his Majesty's reign. That sum was accordingly replaced to the public, at his Majesty's death, out of those arrears.

The second sum of 456,733l. was the deficiency of the civil list duties for the seven years preceding the year 1747. To this the King had a strict legal right, by the civil list act passed the first year of his reign.

In neither of these cases was the civil list debt laid before the House. The King asked for no benevolence from his Parliament, but strict justice. In fact, the civil list was in 1747 in debt very near 200,000l. more than the sum voted by Parliament; but for that his Majesty thought he had no claim upon his people. It is observable, that from that period to the resignation or dismission of the Duke of Newcastle, the payments of the civil list were never six weeks in arrear. After that noble Duke's dimission, there was great talk of economy, but practice did not keep pace with professions; if we except the lord steward of the household, upon whom much unjust censure has been passed: he professed economy, and practised it. In consequence of his reductions, the tables which remained were better served than they were before: many tables were abolished; but those for whom they were designed had board-wages, by which they rather gained than lost, and a considerable saving was made for the King. Lord Talbot likewise did another thing, which he recommended to the imitation of others; he diminished, indeed, his own patronage by it, which might be held as an objection to the practice, but he made a considerable saving, by striking off useless places; the persons who lost them were placed upon the King's bounty-list, and succeeded to other employments upon vacancies. But while Lord Talbot was striking off places of two or three hundred pounds a year at one end of the palace, at another, new places and pensions of 500l.,

500l., 1000l., or perhaps 2000l. a-year were added to the civil establishment. From this source rose originally the debt of the civil list, joined to the necessary expences of coronation jewels, funerals, and marriages of the royal family.

During the period of the first eight years of the reign, ministries were of so short a duration, that it was impossible for any one minister to make the necessary reductions after the debt was once incurred. The noble lord in the blue ribbon was the first who had it in his power; he has been seven years at the head of the treasury. Great additions have been made to the royal income, by the deaths of the Princess of Wales, Dukes of York and Cumberland, and other branches of the royal family.

His Majesty, at the beginning of his reign, paid 157,000l. a year to the different branches of his family: his royal predecessor paid, for the greatest part of his reign, from 130,000l. to 140,000l. a year, and besides kept tables at St. James's for many of them and their attendants. His late Majesty, during the life of Queen Caroline, lived in splendour in the summer at Hampton-court or Windsor, and since her Majesty's death, at Kensington.

Upon the papers upon the table, he had few remarks to make. The noble lord had declared, that none of the expences were incurred for the sake of influence. Another gentleman had mentioned the period of Sir Robert Walpole's administration, as a time when that evil existed in a much greater degree than at present. Mr. T. differed widely from the latter: he believed, that when that gentleman considered the vast increase of all our establishments, army, navy, ordnance, &c. the increase of our possessions in every part of the world; the numerous and advantageous contracts under government; the patronage which ministers have gained, through the medium of the East India company; to which may be added, the increase of debt, and of officers in the collection of the revenue, he would be inclined to retract his opinion: perhaps he would join with him in thinking, that the influence of the Crown was nearly *trebled* since the time of Sir Robert Walpole. He observed, upon a comparison of the suspicious articles of *pensions*, *annuities*, and *secret service*, in the last eight years of the late King, and the eight years in which the *present debt has been incurred*, a considerable exceeding in the latter period.

Pen-

Pensions by the pay-master of pensions.

	£.
In the last eight years - -	452,908
Last eight years of the late King - -	339,610
Difference	113,298

Pensions and annuities paid at the exchequer.

In the last eight years - -	273,158
Last eight years of the late King - -	192,312
Difference	80,846

Secret service.

In the last eight years - -	434,892
Last eight years of the late King - -	370,833
Difference	63,559

Differences.

On pensions by the pay-master of ditto -	113,298
Exchequer pensions and annuities - -	80,840
Secret service - - -	63,559
Total difference	257,703

It is observable, that the last eight years of the late King included the greatest part of the late glorious war, during which there certainly must have been occasion for no small sum of secret service money for purposes truly national.

If the noble lord would set himself seriously to work at a reduction of expences, he was pretty confident it might be effected without meddling with any thing in which his Majesty's private ease and comfort, the dignity of the Crown, or the service of the public were concerned. The foundation of his confidence was this; that Mr. Grenville, in office, as well as out of office, declared the 800,000l. to be sufficient. Being called upon to know if he intended to increase the civil list, that minister treated the report as a calumny. He said, in the strongest terms, that while he continued minister, he never would ask for any augmentation, or for any sum on account of the civil list: perhaps that declaration might be among the reasons of his dismission. The noble lord chuses to avoid that consequence, and says, "God forbid that I should lose

"my

my office." When he is questioned upon the subject of the increase of expence of the civil list, he answers undoubtedly in a much more becoming manner than Mr. Grenville did, "If you will contrive, that nobody shall be desirous of places and pensions, I will cease to lay burthens upon the public, to provide for suitors for places and pensions." This answer never occurred to Mr. Grenville; perhaps it was not so well suited to those times as to the present, any more than to the grave character of that minister.

Upon the whole, Mr. T. was of opinion, that resolving the House into a committee on the message, was a more parliamentary, and a properer measure, than the referring the message to the committee of supply: that in the latter, the House could only consider of the sum to be voted; in the former, the whole question would be open to discussion. A very serious, and a very minute discussion, was necessary upon this occasion, and in times like these. The public burthens were increasing rapidly every day; the power of the Crown gaining ground upon the people in the same proportion. Economy, real economy, by retrenchment of expences, was the only method by which those evils could be restrained. The noble lord would, in a few weeks at farthest, call upon the members of this House, and upon every gentleman in England, to contract his expences; let him set us the example. In a committee upon the message, the House might see where savings might be made. If the noble lord was serious in his intentions of lessening the expences of the Crown, the authority of Parliament would strengthen his hands, and furnish him with a weighty answer to unreasonable solicitors. Mr. Grenville, whose memory the noble lord sometimes affected to treat with veneration, was not more conspicuously serviceable to the public in any part of his character, than in the steadiness and perseverance with which he gave his negative to the importunate demands of rapacious and insatiable courtiers.

If the noble lord was not sincere in his professions of economy, the committee could, and ought to controul him. With the assistance of Parliament, an honest minister might do great good. Without Parliament thought this was an object of inquiry, he foresaw little good would be done. The principle upon which this sum, and the increase of the establishment were demanded, was a progressive one: he saw plainly, that in making this demand, a foundation was laid for making further applications. Parliament ought to be wilfully

fully blind upon no part of this business. He was afraid, that this branch of the legislature had been for some time declining in the opinion of the people. He, who wished it to resume its former lustre and importance, thought it could not seize upon a more favourable opportunity than the present. He thought no way could be more likely for them to regain the confidence of the nation, than by shewing themselves, what it was their right and their duty to be, the guardians of the purse of the public, and with it of the liberties of their country.

Mr. *Fox* closed the debate, and spoke for above an hour. After describing what he termed the wanton profusion of ministers for a series of years back, in the several great departments of the state, and the shameless prodigality which prevailed in the disposition of the revenues of the civil list, he predicted a day of reckoning, when probably ministers would not be permitted to pass such accounts as those lying on the table. He told the House, that he should not go over the items that had been already mentioned; and to which there had not, as yet, even so much as the colour of an answer been given. There was one article, however, which he could not pass over without mentioning; and presumed, it struck every gentleman present as well as himself with astonishment. It was the sum of 513,000l. stated under the head of the board of works, in the course of the last eight years, without telling to whom the money had been paid, on what account it had been paid, or on what palace, house, park, garden, or place, the money had been expended. He observed the conduct of the minister, in 1769, though the noble lord now disclaimed the appellation, was much less reprehensible than now. He then acted openly, and came boldly to Parliament to demand a round sum, without account. "I want the money; I cannot wait; grant it now, and you shall have the "account next year." On this occasion, Parliament had the option to grant or refuse; to take his word, or disbelieve it. New men, new measures; the noble lord tells you this day, very gravely, that he was not then first minister; but that since, he has become one entirely on his own bottom; that accounts ought to precede the grant; but when the accounts come to be examined, what do they turn out? No accounts at all; but a detail of arbitrary sums, for ought we know, set down according to the fanciful ideas of several persons who wrote them; and all consolidated into one round sum, which we are called upon to grant out of the

the purses of our constituents, without being satisfied that a single item is fairly or perfectly stated; unless we trust to the integrity of ministers, and the fidelity of their subordinate instruments. Well, taking it for granted that the sums are truly stated, why trouble the House with such an account at all, unless to add mockery to contempt, and blend insult with derision? When we had no account, we trusted to ministers. Now that we have an account, we are equally compelled to be satisfied with their bare word; so that, taking the matter in its true light, the present proposition is neither more nor less than a demand the minister makes on Parliament for 618,000l. which he says was expended in the public service; but of the reality of such expenditure, we properly know no more than we do of any sum of a like amount expended by any prince in Europe. We are precisely as well informed now, how this debt was incurred, by the curious account now lying on that table, as we were in 1769, without any account. He next attacked Lord North, on his denying he was minister when he brought a like message eight years since, and obtained the object of his errand. This he treated as the most shameful and barefaced evasion. He declared the sentiments of that administration, which from his post of chancellor of the exchequer, of which he formed a part, he stood therefore doubly bound, both as an individual, and a member of the cabinet. In the next place, as he was the bearer of the message, he stood pledged as the messenger, or the representative of the Sovereign. The message was to demand a certain sum of money to pay the King's debts: the condition that accompanied it, though not contained in the message, was, that no applications of a like nature would be made hereafter. Who was to impart them to the House? The bearer of the message, and no other. But, allowing that the noble lord was neither bound, as a member of the cabinet, an individual, or messenger representing his Sovereign, he stood, nevertheless, in a mixt official and ministerial situation, from which it is impossible for him to recede: he came to Parliament as the minister of the House of Commons, and chancellor of the exchequer. He was responsible, as minister, for his ministerial assurances, as much then as at present; and, as chancellor of the exchequer, he was bound by the nature of his office, to know that his assurances were founded in truth. Take then the matter in the noble lord's own way; does not he stand on

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the precise same ground he did then? Did he not come in 1769, as well as in 1777, as minister of the House of Commons and chancellor of the exchequer, not as first lord of the treasury, and prime minister? But convict the noble lord on any or all of these grounds, and he still imagines he can evade his pursuers. He says he never gave any such promise. Will his lordship rest his justification on that alone? If he does, I pledge myself to prove he did; if he will not, but will contend that he is not bound in one event by a promise which he denies in the other, I submit whether, in the opinion of all indifferent and impartial men, the noble lord be not in fact convicted on both grounds. If, however, the noble lord should still rest his defence on his not being responsible for any act of his, ministerial or official, he would nevertheless on the present occasion, out of regard to his own honour and character, recommend to his lordship to consent to the proposed committee of inquiry; because, if any malversation in office, any waste of public money, should have happened, the blame would fall of course on his lordship, as chancellor of the exchequer. Not supposing that there existed the least ground for any such imputation, he looked upon it to be peculiarly incumbent on his lordship to cheerfully go into an inquiry, which, he presumed, would turn out so much to his lordship's honour. He perceived, he said, that the charge of ambassadors was a very heavy one; besides, envoys and ministers were sent to every petty state: he knew the disagreeable predicament a minister, willing to make a reform, would stand in, were he to attempt it on his own strength. It would be prodigious irksome to be obliged to say to a secretary of state who has so few appointments in his gift, "I must strike off such and such envoys who are in your department; the state of the civil list requires it, &c."—While, on the contrary, if a parliamentary inquiry was set on foot, and arrangements made to take place in consequence of such inquiry, in order to reduce the expenditure, the blame would be shifted from the minister, and the superfluous branches of the civil list might be pruned, or totally lopped off, without giving any direct offence to those who might, on the mere personal interference of the minister, look upon themselves pointed at, and ill treated.

The question being put, the House divided. Ayes 114, Noes 281.

The House then went into a committee of supply, and came to the following resolutions:

That the sum of 618,340l. &c.

That 100,000l. per annum, &c.

An AUTHENTIC LIST *of the* MEMBERS *of the* HOUSE *of* COMMONS, *who voted* AGAINST *the Motion for granting* 620,000l. *for payment of the* KING'S DEBTS.

Bedfordshire.
Earl of Upper Ossory, Bedfordshire
Sir William Wake, Bedford Town

Berks.
Francis Annesley, Reading

Bucks.
Earl Verney, Buckinghamshire
James Grenville, Buckingham
Wm. Drake, jun. Agmondesham

Cheshire.
J. Crewe

Cornwall.
Sir Wm. Lemon, Cornwall
Samuel Salt, Liskeard
G. Hunt, Bodmyn
Phil. Rashleigh, Fowey

Cumberland.
Henry Fletcher, Cumberland
Walt. Sp. Stanhope, Carlisle
James Adair, Cockermouth

Derbyshire.
Ld. Fred. Cavendish, Derby

Devonshire.
J. Parker, Devonshire
J. Rolle Walter, ditto
Sir G. Yonge, Honiton
Laur. Cox, ditto
Sir C. W. Bampfylde, Exeter

Dorsetshire.
Hump. Sturt, Dorsetshire
T. Coventry, Bridport
Rt. Hon. W. G. Hamilton, Wareham
Jos. Mauger, Poole
H. W. Mortimer, Shaftesbury

Durham.
J. Tempest, Durham city

Yorkshire.
Sir G. Savile, Yorkshire
Wm. Baker, Aldborough
Sir J. Pennyman, Beverley
G. F. Tufnell, ditto
Hon. L. T. Watson, Heydon
Ld. G. Hen. Cavendish, Knaresborough
Wm. Weddel, Malton
Savile Finch, ditto
Hen. Peirse, Northallerton
T. Frankland, Thirsk
Ld. J. Cavendish, York

Essex.
J. Luther, Essex

Gloucestershire.
Sir W. Guise, Gloucestershire
Sir W. Codrington, Tewkesbury
J. Martin, ditto

Herefordshire.
Sir G. Cornwall, Herefordshire

Hertfordshire.
Wm. Plummer, Hertfordshire
Tho. Halsey, ditto
J. Radcliffe, St. Albans

Kent.
Hon. C. Marsham, Kent
Rd. Milles, Canterbury

Lancashire.
Ld. Rd. Cavendish, Lancaster
Rd. Pennant, Liverpool

Leicestershire.
J. P. Hungerford, Leicestershire

Hon.

Hon. B. Grey, Leicester
Lincolnshire.
Ld. G. Sutton, Grantham
Ld. Lumley, Lincoln
Middlesex.
J. Wilkes, Middlesex
J. Glynn, ditto
J. Sawbridge, London
Rd. Oliver, ditto
Fred. Bull, ditto
G. Hayley, ditto
Norfolk.
Sir Ed. Astley, Norfolk
T. W. Coke, ditto
Hon. T. Walpole, Lynn
Crisp. Molineux, ditto
Hon. Rd. Walpole, Yarmouth
Sir H. Harbord, Norwich
Northamptonshire.
T. Powys, Northamptonshire
Rd. Benyon, Peterborough
Hon. Wilb. Tollemache, Northampton
Sir G. Robinson, ditto
Fred. Montagu, Higham Ferrers
Northumberland.
Sir Wm. Middleton, Northumberland
Sir M. W. Ridley, Newcastle-upon-Tyne
Jacob Wilkinson, Berwick
Nottinghamshire.
Sir C. Wray, Retford
G. Sutton, Newark
Oxfordshire.
Ld. Wenman, Oxfordshire
Shropshire.
Noel Hill, Shropshire
Wm. Pulteney, Shrewsbury
Tho. Whitmore, Bridgenorth
Somersetshire.
Alex. Popham, Taunton
J. Halliday, ditto
Hon. T. Luttrell, Milborne Port
Edmund Burke, Bristol
Hants.
Ld. Midleton, Whitchurch
Hon. J. Luttrell, Stockbridge
Staffordshire.
Geo. Adams Anson, Litchfield
Hugo Meynell, Stafford
Suffolk.
Sir G. W. Vanneck, Dunwich
T. Fonnereau, Aldborough
Sir C. Davers, Bury
Surrey.
Sir J. Mawby, Surrey
Sir Rt. Clayton, Blechingley
Fred. Standert, ditto
Sussex.
C. Goring, Shoreham
Filmer Honeywood, Steyning
Thomas Hay, Lewes
Warwickshire.
T. G. Skipwith, Warwickshire
Sir C. Holte, ditto
Westmoreland.
G. Johnstone, Appleby
Worcestershire.
Wm. Lygon, Worcestershire
Wilts.
C. Penruddock, Wilts
Amb. Goddard, ditto
Hon. W. Hen. Bouverie, Salisbury
Rt. Hon. Is. Barré, Calne
John Dunning, ditto
Hon. C. J. Fox, Malmsbury
Gen. A. Ashe, Heytesbury
Ld. G. Gordon, Luggershall
J. Cooper, Downton
Cinque Ports.
J. Trevannion, Dover
Wm. Nedham, Winchelsea
Wales.
T. A. Smith, Carnarvonshire
E. L. Vaughan, Merionethshire
Wm. Mostyn Owen, Montgomeryshire

Scotland. TELLERS.
G. Dempster, Dundee, &c. Rt. Hon. T. Townshend, Whitchurch
Geo. Byng, Wigan

Adjourned to April 18.

Reasons of a Member of Parliament for voting against paying the King's Debts a second time.

To comprehend this question fully, it is necessary to take a summary view of the formation, rise, and progress of the civil list, as now established.

When the Crown possessed ample royal demesnes, it was usual to apply to the people for aids on extraordinary occasions only; but since by the dissipation of the royal revenues, the greatest part of these lands have been alienated; so that another mode of supply was practised for the support of the Crown, and certain imposts and duties, denominated the civil list revenues, were from time to time settled on each of our Sovereigns soon after their accession to the Crown; these duties have been always calculated to amount to a certain sum, and Parliament accustomed to make up the deficiencies: this sum, before the reign of George II. was 700,000l. but in the first year after his accession, in consideration of his numerous royal family (many of whom were nearly marriageable) Parliament thought proper to augment this sum to 800,000l. *per annum*, in order to which, they passed an act for granting a rent-charge out of the aggregate fund, of 120,000l.* *per annum*, which was expected to make the old civil list duties answer that full sum, with a proviso, however, that if they fell short, Parliament would make up the deficiencies.

Anno 4 George II. it was thought proper to repeal certain duties on flax, for the encouragement of the British sail-cloth, and a clause was inserted in this act, for securing public creditors, by granting to them the amount of their respective demands on said duties out of the aggregate fund, and since that time it appears there has been carried in account from that fund to the civil list 2125l. 15s. 2½d. *per annum*.

Anno 9 George II. it was thought proper for the benefit of trade, to repeal certain duties on low wines, and a clause in that act provides for public creditors, as in the former, and expressly states that his Majesty shall have 70,000l. *per annum*, in lieu of his demands.

* This sum of 120,000l. was added, because the old duties, *though given* for 700,000l. *per annum*, had never in reality *amounted to* that sum.

Again,

Again, the 12th of George II. certain duties on woollen and bays were repealed, on the same grounds, and a similar clause in this act too directs that the King, and all public creditors, shall have rent-charge out of the aggregate fund, equivalent to their respective demands, on an average of eight years past, and on this account an annual sum of 2,388l. 4s. 8d. has been also carried to the civil list.

Anno 30 George II. Parliament on a similar account gave the Crown a rent-charge on the wine-license duties, of 7002l. 14s. 3d. all which sums together amount to 201,516l. 14s. 4½d. *per annum.*

The remaining civil list duties, commonly called the hereditary and temporary revenue, from his Majesty's accession to the 5th of January, 1762, amounted to 645,844l. 0s. 11½d. which is equal to 538,203l. 7s. 6d. *per annum*, to which, if the former grants and regulations already specified are added, it gives the full amount of the civil list revenues equal to 739,720l. 1s. 10½d. so that the bargain made by the Crown with the public, in the commencement of this reign, for a clear annuity of 800,000l. *per annum*, actually proved a gain to the Crown, of 60,279l. 18s. 1½d.* Since

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* *Cursory Observations*, &c.

At the time of the late King's death there was a balance in the exchequer due to the Crown, of one hundred and eighteen thousand pounds in cash, a shilling of which was never applied to the uses for which it was granted.

On the resignation of the Duke of Newcastle, this balance was considerably augmented; it is said, to upwards of one hundred and seventy thousand pounds.

Lord Bute succeeded his grace, and we may presume, by his economic plan, for lessening the expences of his Majesty's household, such as retrenching several tables, introducing board-wages, &c. no addition was made in his administration.

Mr. Grenville, however, contradicted that assertion; for he affirmed, that he reduced the excess of out-goings, over and above the stated income, from 90,000l. to 36,000l, *per annum.*

The Marquis of Rockingham and his friends assert, that no addition was made to the out-goings during his administration.

Since the 5th of January, 1762, the hereditary and temporary revenues have gone on gradually increasing, but this probably

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On the opening of the session 1768, application was made to Parliament, and 513,000l. granted in the course of it to discharge the civil list debt.

If then these premises are to be depended upon, it will follow, that the balance in the Duke of Newcastle's hands, amounted to more than the excess of expenditure during the Grenville and Rockingham administration; and that in the three years the Earl of Bute and Duke of Grafton presided at the treasury, upwards of half a million had been distributed among the representatives of the people, in order, we presume, to convince them, by fair and solid reasoning, and argument, that the peace was an honourable and advantageous one; and that the decision relative to the Middlesex election was just and constitutional; and finally, that the expulsion of Mr. Wilkes was of more real consequence, than preserving our * settlements in the East-Indies, or the free † navigation of the Mediterranean sea.

On the 5th of January, 1769, his present Majesty did not owe a shilling: on the 5th of January, 1777, he has himself acknowledged, that he is more than 600,000l. in debt. The only application the late King made for parliamentary assistance, was in 1746, after two expensive wars, and a formidable rebellion within the kingdom. He lived fourteen years after, and contracted no more debts. During this time, he had the household of the late Prince of Wales, or the Princess Dowager to support. After the Prince's death, he had his children. Let us then compare any eight years within the last-mentioned period, with the last eight, and we shall find that the expence of the Prince of Wales, in one instance, and the appointment of the late Duke of Cumberland, or the Princess of Wales and her young family, amounted to full as much as the Queen and the present royal family, and the appointments of the Dukes of Gloucester

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* In 1769, the French King sent out a very formidable navy and military force to the isles of Mauritius and Bourbon, with an intention of attacking our settlements on the Coromandel coast; when the fleet and army arrived, counter-orders were waiting for them by a dispatch over-land; Choiseul having in the mean time been disgraced, and they directed immediately to return to Europe.

† The conquest of Corsica by France.

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probably would not have happened, had they till now continued the private property of the Crown; for when it was proposed to give up the privilege of franking, I freely concurred to relinquish the same, for the benefit of the nation, overwhelmed with its enormous load of debt; but I certainly should not have agreed in that measure, if I had considered it merely as the means of superadding new powers of corruption in the Crown; for by that regulation, the public revenues were supposed to be augmented about 60,000l. *per ann.* too large a sum indeed to dole away for bad purposes.

But here it ought to be observed, that the 120,000l. *per annum*, was given to George II. expressly for the purpose of making up his revenues a clear 800,000l. *per annum*, and therefore whenever such growing duties, together with the equivalents already specified, came to produce 800,000l. *per annum*, then of course the annuity ought to have reverted to the aggregate fund.

It is therefore without any foundation in truth for ministers to say, his Majesty made a bad bargain, in accepting a clear 800,000l. *per annum*, in lieu of all the former revenues; for we have now proved that at that very time this annuity considerably exceeded the produce of the whole of them.

It now remains to be shewn, that the annuity of 800,000l. *per annum*, was more than fully competent for all the fair and honest purposes of the Crown; for by the accounts now before Parliament, it appears, on an average of the last eight years expenditure, including his Majesty's expences for the royal family, together with every article for his state and dignity, foreign ministers, salaries of his judges, and all disbursements

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and Cumberland. If so, how is it possible to account for the extraordinary demand now made; and the still more extraordinary demand by which it is accompanied, that of an augmentation or a permanent increase of the civil list revenue in future, without supposing that the representatives of the people in the late House of Commons, were as difficult to be persuaded of the justice and policy of reducing America to a state of unconditional obedience, as their predecessors were of the wisdom of the peace; or the state necessity of expelling Mr. Wilkes as unworthy of a seat within the hallowed walls of St. Stephen?

of civil government, for all marks of his royal bounty, and for the expences of his privy purse, the whole together amounted to considerably less then 650,000l. *per annum*, so that the remaining sum of 150,000l. *per annum*, for contingencies, ought surely to have proved more than adequate to every honest or visible purpose whatever.

Besides this 800,000l. *per annum*, no account has been given to Parliament of what is called the extra revenue of the Crown; we find, indeed, that above 25,000l. *per annum* has been paid out of the extra revenue, and yet the Crown charges itself with no receipt whatever for that fund. If an unfortunate tradesman had produced such an account before his commissioners, instead of getting a certificate, he must have been tried for concealing his effects.

The exact amount of this extra revenue is with difficulty to be come at; but on considering the articles of which it consists, viz. Ireland, Wales, Lancaster, Cornwall, four and a half *per cent.* duties, crown-lands, quit-rents, coal-mines, monies estreated, &c. &c. the whole may be fairly estimated to produce not less than 300,000l. *per annum*.

There is a curious article in every year, for money returned to sheriffs for over-payments, and yet no charge is made of the sums received from the sheriffs, although the very word over-payment is a proof that a balance must generally have remained in the exchequer. Any further remark on this would be an insult on the reader's understanding. On the whole, it is clear, the public are grossly imposed on in the transaction.

And the additional grant cannot be defended but by the use his Majesty shall be pleased to make of it. If, however, instead of letting Sir Grey Cooper, and Mr. Robinson, have 40,000l. *per annum* for secret service, we should hear of the King's living a little more royally in his household, providing better for his brothers, repairing and furnishing his miserable houses, increasing his collection of pictures, &c. and letting the public have the satisfaction of seeing them, we may be partly reconciled to this additional expence: but if, on the contrary, we only find an increase of that secret influence which is already too great, the public will have a right to say, they have been scandalously betrayed.

On the expenditure of the secret service money, it is to be observed, that government ought always to have intelligence as early as possible, of any equipment of ships, or other measures

sures in foreign states, that may concern the national safety; for this purpose, our foreign ministers should be allowed to give a few pensions, or gratuities, for this purpose. The expences of this kind will vary according to the consequence of the informations gained. A clerk in office will furnish a list of the French regiments, and their stations, for a few *Louis d'Ors*; but such a man could only, in the case of the family compact, have informed, that some treaty was in agitation; the contents of it must be come at through higher folks. When Lord Chatham had intelligence of the contents of that treaty, no Englishman would have found fault with an increase of twenty, or thirty, or even fifty thousand, in the article of secret service; the importance of the subject was voucher enough for a large expenditure; and this is the true ground for our judgment on the demands made. If it appears that the enormous sums charged for this service have not gone through the hands of the secretaries of state, but of the secretaries of the treasury, it gives room for suspicion, that these expenditures have been made nearer to Westminster: and this is enough for our information on all similar charges.

Upon the foregoing premises, I flatter myself with the fullest concurrence of my constituents, and their approbation for my opposition to this new and repeated exaction upon the people; as every unprejudiced man in England must be convinced, from what hath appeared, that a great deal of the debt now incurred for eight years past, and the additional grant of 100,000l. *per annum*, can never be necessary for the honour or true dignity of the Crown, but the same must be evidently calculated to answer the nefarious views of ministry, to corrupt the people altogether, so that in the end every vestige of public principle, and love of our country, in opposition to the Crown, may be hereafter cut up by the roots, until the executive part of the government, by such over-ruling influence in the Crown, shall stifle and extinguish all opposition under his present Majesty's successor, at farthest, that he may be enabled to render himself by corruption, as perfectly a sovereign despot in this country, as in our own times we have seen the King of Sweden, aided by a corrupt senate, and an unprincipled nobility, studious of no other good in life, but to satisfy the momentary impulse of every abject, dissolute, mean and selfish passion.

April

April 18.

As soon as Sir Charles Whitworth came to the bar, in order to present the report from the committee of supply of the preceding Wednesday, the Speaker put the question, that the said report be now received, on which

Mr. *Dempster* rose, and opposed the bringing up of the report, recommended a committee of inquiry, as well into the manner, and by what means the debt was incurred, as what might in future be a reasonable and competent provision, for the maintenance of the honour and dignity of the Crown. He said, with whatever confidence ministers might be emboldened to come to Parliament, from repeated experience, there had been always, till on the present occasion, some little decency, some formality, some attention paid to office usage and the *etiquette* of Parliament. Applications were usually accompanied by the motives which gave birth to them. If an augmentation of funds was required, the cause of the deficiency was stated; if the deficiency was ascertained, the mode of raising that deficiency was pointed out. But how was it on the present occasion? Deficiencies were stated, without shewing the increase of expenditure that caused them; and a fund was desired to be created by Parliament, without stating a single proof of the necessity of such a provision. It was with pain he found himself obliged to repeat, what in the course of the debate in the committee, had been so frequently mentioned; but among a great number of instances equally striking, he could not without astonishment, see an increase of near half a million on four articles, unaccompanied by a single voucher to authenticate them. The heads of expenditure he particularly adverted to, were those of the cofferer, treasurer of the chamber, master of the horse, secret service, and pensions. No man in that House would more cheerfully co-operate in relieving his Majesty from his domestic embarrassments; nay at all events, to pay his Majesty's debts; but while his zeal would prompt him to go thus far, his duty as a member of that House, must compel him to know in what manner those debts were contracted. It was a duty he owed to himself; but it became still more particularly obligatory, when he was called upon to vote the money out of the pockets of his constituents. Supposing that an act of oblivion were to take place in respect to what had already passed; allowing that the debt ought to be paid, without retrospect or inquiry; the second resolution, which was going to be reported, and

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which was to lay an additional burden of 100,000l. *per annum* on the nation, demanded the most serious attention of Parliament. Parliament ought to be furnished with every means that could lead to know, whether all, or any part, or a greater sum, were necessary to support the dignity of the Crown. That could never be known, till the real outgoings were satisfactorily ascertained; till necessary expences were distinguished from those that were really unnecessary; and till the people were satisfied, that the burdens borne by them, were not to answer the purposes of corruption, by influencing the conduct of their representatives in Parliament. On the whole, he observed, that much the greater part of the excess of expenditure, arose under the five or six heads before-mentioned; upwards of 400,000l. was wrote off in a few lines. Whatever inclination, therefore, he might have, out of respect to his Majesty, to pay the debt already contracted, he could not in conscience, as a trustee for the public at large, as more particularly bound to his constituents, ever consent to add 100,000l. to the 800,000l. a-year at present settled on the Crown, if the friends of the augmentation did not first consent to go into a committee of inquiry. The accounts before the House were imperfect and defective; and where they were not, they were intricate, obscure, and unintelligible: he should, on these several grounds, oppose the bringing up of the report, till an inquiry were first had, to shew that such an augmentation was really necessary.

Sir *Edward Astley* coincided entirely in the sentiments of the honourable gentleman who spoke last. As a country gentleman, he could never agree to lavish the property of his constituents in such a profuse manner, without knowing on what account, and how it was disposed of. He said, in 1769 ministers acted both more modestly and consistently. They asked for money only to pay the King's debts; they desired no augmentation, because they said none would be wanting. They produced no accounts: they said the debt was contracted; it must be paid; but it should not be so in future. What is the conduct of ministers on the present occasion? They pretend to produce an account, which is in fact no account, because it is neither vouched nor documented, nor can it be understood. They adopt the language of 1769, that the debt must be paid; and they demand an augmentation, without adducing a single proof that it ought to be granted.

Mr.

Mr. *Stanley* rose, to explain how the excess in the cofferer's office had been caused. He said, it was not the business of that office to examine into the detail, the warrants being the only vouchers. The cofferer issued the money directed to be paid: his account properly contained nothing more than the receipts and disbursements: when, therefore, money was issued by the cofferer, it was no part of his duty to know for what particular service the money was paid, but whether the order was officially made out, and came properly authenticated to his office.

Lord *North* rose, to answer some objections made by the two honourable gentlemen who spoke first in the debate. He observed, that if the accounts were defective, it was not the fault of administration; they were made up pursuant to the precedents of office, except in a few instances; those of the treasurer of the chamber, &c.; which he had so fully explained, the other evening in the committee, to have been occasioned by the papers being taken away by their predecessors in office, which only could have afforded the satisfaction now so earnestly sought. He took notice, that throughout the arguments used on the subject by the gentlemen on the other side of the House, it was taken for granted by them, that the extra revenue of the Crown was something very considerable. That, he said, was the most mistaken idea that could be well conceived; for except the duchy of Cornwall, he scarcely knew of any benefit whatever his Majesty drew from the extra revenue. And he recommended it to gentlemen, in the further progress of the debate, to consider that as a fact, which, with very little allowance or qualification, might be faithfully depended on.

Governor *Johnstone*, after taking a review of the principal arguments which had been employed by those who supported the propriety of discharging the debt and voting the augmentation, said, he was against both measures; for his part, he highly disapproved of them, and was for neither paying the debt nor granting the addition. It was a current expression from several parts of the House, "The King's debts ought to be paid, but we will not grant an augmentation of the civil list;" but I say no, the objection lays equally against the debt and augmentation. If the debt has been fairly contracted, it ought to be paid. If it has been fairly contracted, the incurring such a debt can only be justified on the ground of necessity; and if that plea will stand

stand the test of inquiry, then an addition to an incompetent revenue will follow as a matter of course. But how are the premises to be ascertained? Not surely by the accounts now lying on your table. They tell us nothing; they leave every thing in darkness and obscurity; or they are manifestly calculated to impose and mislead. When, therefore, I say I am equally against paying the debt, and granting the proposed augmentation, I would be understood, that I cannot, consistently with my duty as a member of this House, or as a faithful guardian of the property of my constituents, agree to either, till I receive that species of information, that may lead to shew that the debt was in the first instance necessarily incurred; and that the addition is a necessary consequence of that expenditure, which experience has shewn the maintenance of the honour and dignity of the Crown requires. If this be not fair reasoning, if it be not arguing upon principle, I should be glad to know what would the negative go to prove; but that the minister for the time being might lavish the public treasure as he pleased; or, which was nearly the same thing, incur debts to any amount he thought proper; and then come to Parliament without any account, or with any account, however imperfect, and desire that the debt thus incurred might be discharged. Is not the latter precisely the case at present? Was not the former exactly the case in 1769? Standing therefore on this ground, I shall resist every proposition for a grant of public money, which is not accompanied by the reasons which support it, and the propriety, if not necessity, for granting it; because, if some stated rule be not adhered to, the argument would come to this: that a mere incurring of a debt would establish a claim for its payment: and he, in whom this unlimited power of virtually pledging the public to the payment of whatever debts he might contract, would most certainly hold the public purse, to use it at his pleasure. The governor made several observations on the encouragement such a parliamentary doctrine would give to future ministers, if assented to in the extent he heard it argued the other night. The noble lord in the blue ribbon knew the full operation an addition of 100,000l. a year would have on the understandings of some idle or sceptical members; and how effectually it would serve to oil the wheels of government, now and then apt to run heavy. His lordship was fully apprised how many had tasted of the sweets extracted from the civil list

list revenue; how many wished to partake more bounteously of them; and what a new supply the present proposed addition would afford. Yet able as his lordship was, and ready to oblige his friends, he suspected the augmentation would operate contrary to his expectation, in more instances than one; it would create solicitations for favours; it would render the hungry and unsatisfied dependants of the court, more pressing and enormous in their demands: whereas, voting against the measure, and defeating it, would be the only means of proving to them, that all their resources, through that channel, were cut off. He said, in these days, a sum of nearly 200,000l. a-year was looked upon as a trifle; yet, trifling as it might appear, when laid down on the large scale of millions, if members were yet to be bought at the current established price some few years since, at 600l. *per annum*, 200,000l. prudently laid out, would purchase a clear decisive majority of that House, without even the assistance of the present standing corps of pensioners and placemen, already retained by their places, pensions, and annuities, in the service of government. But if administration, already strong enough in numbers, should think better to lay out a part in the purchase of the venal rotten boroughs all over the kingdom, this 200,000l. a-year, might be most usefully employed, and the court have it in its power to make members, and not be at the trouble of bribing them. He said, the noble lord had confined the whole income of the extra revenue to the duchy of Cornwall. This was a language totally new to him. He would be glad to know from the noble lord, what was become of the revenue formerly drawn from the principality of Wales, of the four and a half per cent. duties on the produce of the Leeward Islands, of the revenues of the bishopric of Osnaburg, and those drawn from the duchy of Lancaster, and from Ireland. His lordship, the other night, seemed to be quite certain of recovering America, and counted on his Majesty's hereditary revenue in that country as a matter of course. If so, the rents there would gradually increase, and would augment the extra revenue, which, with the other branches of it already enumerated, would in a few years, if prudently managed, create an additional fund, that would form an ample revenue for the first crowned head in Europe. In the account of the secret service, it appeared, that within the last eight years, the enormous sum of 600,000l. had been vished

lavished under that head of expenditure, a great part of which was directly issued to Sir Grey Cooper and Mr. John Robinson, secretaries of the treasury; and he presumed, if common sense was to govern, if probabilities were to prevail, it must be concluded, that all, or the greater part of the money paid into the hands of those gentlemen, was distributed among members, in order to influence their voices in Parliament; or at least, in order to regulate their parliamentary conduct, by enlightening their understandings. Nay, I will not stop here, I will say more: I will say, that all this money has not been distributed among the members of this House; part of it has gone to my countrymen, in the other; and yet finally operated within these walls. It has been distributed in a manner which I much more disapprove of, because it has effected double mischief. My countrymen, the Scotch Lords, have not only got part of it for their votes, but for doing worse, for influencing the elections in that part of the kingdom; and by that means, sending us members to this House. They are chosen themselves by the minister for the time being. They, in return, chuse representatives for the people; they send their choice here, not to vote or act according to opinion or conscience, but as their patrons direct them. In a few lines, three millions of money are set down, without a single voucher; which is no more than saying, "We have received so much, we have paid so much; the balance is so much against us; and consequently we owe so much." This, I will venture to contend, is no account; and if prudence is to govern us, and we are to pay the debt incurred without account, for God's sake let us not depart from every rule of usage, justice, and common sense, by voting an addition without account; or till some grounds are laid before us, to shew that such an addition is necessary.

Mr. *Ellis* rose next, and took a review of the several applications made by the Crown to Parliament, since the Revolution; in order to shew, that it had been uniformly the custom to grant the money required, in most instances without any account; and where accounts were presented or called for, with accounts made up in the manner now, he believed for the first time, so severally censured; so it was in Queen Anne's reign, in 1710; in 1721, that of George the First; in the same reign in the year 1725; at the accession of his late Majesty, when the 100,000l. augmentation was made

made to the civil list revenue, which was then fixed at 700,000l. in 1747, the 20th of the late King; and since the accession of his present Majesty, in the year 1769. He contended, that on all of these occasions, no accounts were produced: or they were accounts like the present, shewing the gross expenditure, under the several heads. It would, he said, in many instances, be impossible to make out the accounts in any other manner; and when they might, the disbursements came precisely to the same point. As to the secret service money, which had furnished so happy a topic for the gentleman who complained of the enormity of the expence, it just amounted to this, in fair argument: Either such a head of expenditure, ought, or ought not to be permitted. If it ought, it was surely idle to find fault with it; the very title was expressive of its true nature. It was money given for certain secret transactions, which it was proper to conceal, and supposed to be for the interest of this country. The employing this money wisely and faithfully, was entrusted to certain persons, who were bound only by a faithful discharge of their duty; if there was any thing then in the objections made, it could not reach the mode of making up the account; it must be entirely personal, against those who distributed the money. If no such power ought to be intrusted to ministers, that indeed might be a reason for discontinuing the secret service money, in future; but till such a resolution was taken, it must be provided for; and from its very nature, must continue to be accounted for, in the customary manner, as none other would be practicable.

Colonel *Barré*, after controverting several of the facts laid down by the honourable gentleman who spoke before him, declared, he was totally against paying the debt, or making any further addition or allowance whatever. In 1769, he recollected very well, the conduct of the noble lord in the blue ribbon, who was then, as well as now, chancellor of the exchequer. When pressed on that occasion from this side of the House, he declared openly, nay solemnly pledged himself, that he would never come again to that House on the same errand; that he would not advise the King to promise what he could not perform; but to endeavour to keep within bounds; and if he could not keep within the 800,000l. in that case, he should certainly advise his Royal Master, not by any means to apply *to Parliament*, without accompanying such application with

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the most full, clear, specific, and satisfactory accounts. Now how has the noble lord performed his engagements with Parliament and the public? He has come again to request from this House, to pay the debt incurred by the Crown. He has not kept the civil list expenditure within the bounds he promised to endeavour to limit it; but if that should prove impracticable, he has totally failed in the performance of the condition annexed; he has not accompanied the present application with the necessary accounts; and still to heighten the whole, he has come with the modest demand of 100,000l. addition, without a single document, to justify his request. The colonel next turned his attention to a certain race of animals who were daily increasing in this country, called contractors: and, if he was well informed, the noble lord gave every encouragement in his power to the propagation of this species of the canine and carniverous. His lordship not only tamed and domesticated them when they fawned, and cringed, and flattered; but he hunted and sought them, and never was easy till he brought and secured them within the pleasing toils of a fat lucrative contract. As his lordship seemed so fond of contractors, in all transactions, more immediately within his own province, ministerial and official, it might be fairly presumed, he was equally solicitous to encourage them in every thing respecting the royal household. Some, he presumed, contracted to supply his Majesty with bread; others, meat; a third kind with wine; a fourth, beer, &c. Now, if one might judge from the manner the contracts for the American war were made and executed, and suppose, that his Majesty's household was supplied upon similar terms, it would be extremely easy to account for the debt incurred, without supposing that the expenditure had been laid out in corrupting the members of either House of Parliament; nay, if the debt was treble what it is, as he was well convinced, there was not a single contract of any consequence, made since the commencement of the American war, that the public did not pay full 40 *per cent.* over and above the market price, and paying for every risque of insurance, and reasonable allowance for time and trouble. He next enumerated the several sources of the extra revenue, and insisted, that independent of Hanover or Osnaburg, his Majesty was in the actual possession of a million a year; and he confessed, he was much astonished to hear his lordship confine the extra revenue to

the duchy of Cornwall, in exclusion of the duchy of Lancaster, principality of Wales, four and a half *per cent.* duties, and the revenue drawn from Ireland, which alone, at this instant, amounted to full 90,000l. *per annum*, 50,000l. of which was paid to persons resident within this kingdom. He concluded, with describing the hardships borne by the Irish, the oppressions the poor labour under, the decline of their trade, the ruin of their staple manufacture, the wanton restraints laid on their commerce, and a variety of other particulars; and finally affirmed, that no nation under the sun was ever so fleeced, scourged, and oppressed as the Irish.

Mr. *Grenville* spoke next; said, though he had as high respect for the person of the King, and was as zealous to support any measure which promised to promote his domestic happiness, as any person in that House, he would not deserve the name he bore, if he betrayed the duty he owed to his country and his Sovereign, by giving a silent vote on the present occasion. He was fully satisfied, from papers which came to his hands, from the most clear, incontrovertible, and authentic documents, that 800,000l. a year, was a most ample revenue, if frugally, faithfully, and judiciously managed, to support in the utmost splendour, the lustre and dignity of the Crown. He heard some very strange things fall from the friends of the measure, and particularly from the noble lord who brought the message. The noble lord said, that the King drew no advantage whatever from the extra revenue, but from that part of it which arose within the duchy of Cornwall. The fact might be so; he hoped the noble lord was mistaken or misinformed. If he was not, surely the matter was deserving of the most minute inquiry and serious attention of that House, to discover how, or where the remainder of the extra revenue was sunk. Was the revenue no more; or was it still in being, but granted in such a manner, as to transfer the controul and possession of it from the Crown into other hands? This, in his opinion, was a matter that called loudly for investigation; because, in the first place, his Majesty should not be represented as possessing a revenue long since annihilated, or out of his power; and Parliament and the nation should be informed, how the revenue came to be annihilated or alienated. Such an inquiry would lead to an account of the four and a half *per cent.* duties, the revenues drawn from the principality and duchy, and the whole of the casual revenue, not appropriated by Parliament. With regard to the four and half *per cent.* he

he had indeed heard strange doctrine from the noble lord, that it was ruined by the many grants of pensions now upon it; did the noble lord mean, that because it was all exhausted by the Crown pensions, that therefore it was no part of the revenue? Or, did he not know that the whole of such grants were illegal? A language which he was authorized to hold, as he was warranted by the Journals so to do; as he would, if called upon, refer to a resolution of that House, declaring such grants illegal and unconstitutional: that if no one contradicted his assertion, he hoped the House would give credit to it, and he would prove it if necessary. He concluded by repeating that 800,000l. was a noble, competent, and ample revenue: and though it were not, that it was incumbent on administration to satisfy Parliament, upon the most satisfactory and unequivocal proofs, that it was necessary to augment it.

Mr. Alderman *Sawbridge* rose, and contended that the deficiency now desired to be provided for, might easily be accounted for, without having recourse to the increased price of the necessaries of life; it had been employed in corrupting both Houses; it had been spent in private, as well as public pensions; in single bribes, in temporary gratuities. The civil list revenue had been drained by as many different means as want suggested, or as corruption was capable of devising or inventing. Pensions during pleasure were granted, the most sure and certain means of keeping members to their duty, by having the terrors of its being withdrawn continually suspended over their heads, as soon as ever they dared to think for themselves.

Here a great confusion arose, some calling to order; some to take down his words; others, hear him, hear him! As soon as this had subsided a little, Mr. Marsham desired that the honourable gentleman might name the members of that House who enjoyed pensions during pleasure, as there was a statute in being, which created a disability from any person sitting there who enjoyed a pension during pleasure. Several members on the treasury-bench, and in that part of the House, desired that the words might be taken down by the clerk. Others insisted, that such a mode of proceeding was neither orderly nor parliamentary, for the honourable gentleman was at liberty to retract his words, if any passionate expression had fallen from him in the warmth of debate; or explain them, agreeable to the sense he meant they should convey. This argument was replied to

by a general cry, loudly vociferated from the same quarter whence the noise and confusion from the beginning originated, "repeat them, repeat them: he will surely not refuse to repeat his words."

Mr. *Burke* rose, and endeavoured to still the uproar, by jocularly observing, that the words "influence the members" and "increase the influence of the Crown," were the current and fashionable expressions used in the former debate, as well as the present, which substantially imported the same with the words which had now given such high offence. For his part, he could see little difference, if any, between influence and corrupt influence; and corrupt influence and downright plain corruption. He confessed, however, that the sound of the latter was coarse and impolite, when compared with the former. On this ground, therefore, the whole matter might be explained to the entire satisfaction of all parties: those who liked, and those who disliked the word corruption; for though it should be given up by one side, the sense would be still retained, and it would completely satisfy such as disapprove of it, that it was to be discarded for ever out of the parliamentary vocabulary. The honourable gentleman was a citizen, and had not attained to that height of polite phraseology, for which such as happily reside at the other end of the town are so justly distinguished; for which reason, what a courtier or an inhabitant of the west end of the town called influence, the worthy alderman, according to his gross mode of expression, very improperly called corruption.

Mr. *T. Townshend* said, Mr. Sawbridge had a right to explain his words; and was sure he would, if the House thought proper to insist on an explanation.

Mr. *Sawbridge* said, he was much obliged to his friends, for the readiness they had manifested in endeavouring to prevent the displeasure of the House from falling on him; and to those who had manifested their zeal on the other side. The former he begged to acquaint, that he never meant to retract his words, or explain away their meaning; and to the latter, he would now give the opportunity they seemed so anxiously to desire; he would repeat what he said at the onset: "I say, there are several members who have pensions during pleasure." These were my words, I repeat them, and I desire, if those zealous gentlemen, who were so vociferous a few minutes since, think proper, that they may take them down. There *are members of* the other House who have pensions during

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pleasure. Without therefore retracting or explaining my words, I again assert, that there are members who enjoy pensions during pleasure. He then directed his attention to Lord North, whom he charged in the roundest manner with public profusion, and with squandering the national treasure, in some instances, to the very worst purposes, and that some of the very debt for which the noble lord applied to Parliament to pay off, was spent and squandered away in hiring spies and informers, to ruin and distress innocent men; men in every light as loyal to the King, and as faithful to their country, as their persecutors would persuade the world to believe they themselves were. He then mentioned the affair of Dignam*, and charged administration, with the most base and nefarious designs, in hiring a profligate ruffian to impeach him, and several other members of both Houses, of an intention of carrying into execution the most cruel and bloody purposes.

Lord *North* denied that administration had at all been instrumental in encouraging Dignam. He affirmed, that no money had been given to him; and that what was done by the secretaries of state was an act of office duty, which if they had neglected, would have justly made them liable to the most severe censure. Every servant of the Crown is, from his situation, bound to listen, though not to believe. Not to do the first, would be treachery; to be operated on by the last, on improbable or insufficient grounds, would be preposterous and absurd. What then was the conduct of administration? They steered clear of both objections. They did not reject without inquiry, nor did they credit what in itself appeared to them highly improbable. They examined Dignam closely; they endeavoured to sift him to the bottom. They heard with astonishment his narrative; and perceived that it bore throughout the strongest marks of plausibility, if not authenticity. They nevertheless acted with prudence, and resorted to every precaution which wisdom could possibly

* This man had been recently sentenced to hard labour upon the river Thames, for obtaining money under fraudulent pretences. Before his trial, he pretended to discover to the secretary of state, a plot, which he said was formed by several noblemen and gentlemen to assassinate the King. He pretended Mr. S. was one. The tale was at first listened to, but in a very short time the whole was found to be an infamous falsehood, entirely of his own invention.

suggest in so nice and critical a situation. They sought for collateral proofs of the truth of what he asserted in regard of others, as well as testimonies of what degree of credibility he was entitled to. They ordered him to be watched; his haunts were thereby discovered; and what appeared from the beginning suspicious, proved soon true; he was found out to be a villain, a liar, and an impostor; and as such was dismissed, and abandoned to his fate. He could not help observing how bitterly the worthy alderman complained of the injustice Dignam had done him, by inventing such gross falsities; and yet the worthy alderman, at the very instant he is stating his complaint, is himself guilty of a fault of a similar nature; he charges him, and the rest of administration, with giving Dignam money. He assured the worthy alderman, that Dignam had no money; and that he was not suborned, but offered his information voluntarily; he therefore could not otherwise account for the alderman's assertions, but by supposing, that as Dignam had asserted falsities of the alderman, he, in return, was resolved to retaliate on administration. An honourable gentleman over the way, [Mr. Burke] had, he observed, employed a great deal of wit and ingenuity in reconciling the alderman's intentions and expressions, and the currency of certain words, at the different ends of the town; and with his usual philological perspicuity, shewed the general acceptation of the words influence, corrupt influence, and corruption; and supposed that his city friend, as a citizen, had chosen the gross word corruption, as most agreeable to city manners. After making his friends laugh very heartily, his lordship became serious. He answered a great many questions put to him from several parts of the House, relative to the accounts of the treasurer of the chamber, cofferer, master of the horse, pensions, annuities, ambassadors, and secret service. His Lordship frequently asked the gentlemen in opposition, if what they desired was a minute account, vouched by the petty tradesmen's bills, the grocer, butcher, baker, &c. &c. If those were the accounts they sought, they were not, it was true, to be had, because they were unnecessary; but if they wanted a faithful and full account of the expenditure, it lay on the table for their perusal; and must, he was certain, afford ample satisfaction to every person who did not come to that House predetermined to find fault.

Mr. *Fox* said, there was a very material difference between *producing* vouchers for each article, or even small sums paid

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to petty tradesmen, and not producing a single authority or document which was sufficient to satisfy the House, that the gross sums charged were faithfully expended under the heads in which they were charged; and he defied his lordship, with all his wit and ingenuity, to shew by any true criterion of distinction, the least shadow of difference between an account thus unvouched, and no account: and he begged the attention of the House to this single illustration of the subject of debate; what substantial difference did it make, whether the 618,000l. was wrote off in a single line, twenty, or five hundred, when the several sums set opposite the respective items came totally unaccompanied by vouchers? He next drew a comparison between the present administration and that of the late Duke of Newcastle; and so pushed it back to the commencement of the late reign, which he contended was the most great and glorious this nation ever beheld. It was a reign of principle throughout; the Sovereign was honest, steady, and sincere. His ministers sought his personal satisfaction and domestic quiet; and maintained the honour and dignity of the nation. Even the different parties who caballed for power, were open in their professions, faithful to the doctrines they professed, and to the persons with whom they associated. What was now the case? Corruption and patronage had overspread the land. The King's name was frequently prostituted by his ministers, to purposes which he was certain the Sovereign was too good a man, and too great a king, ever to have sanctioned, if he had previously discovered the concealed but plausible motives whence they originated. Ministers disdained to pursue such appearances. Majorities were found to support the worst measures with as much alacrity as the best. The influence of the Crown derived additional strength from its power over the treasury, and majorities were now called upon to make good the very rapine and plunder they had long since shared; and to create a fund in future for the same purposes. To finish the comparison, and bring the two reigns in a complete counterview, all principle, as well in politics as morals, had been, since the commencement of the present reign, entirely exploded. That very formidable phalanx which now lines the treasury bench, have thrown aside their opinions the day they accepted of their appointments. Corruption sweeps every thing before it. Its power or influence, or whatever else it may be called, is almost irresistible. It is now got to its zenith. Sir Robert Walpole, it was said, was the father of corruption;

the present is his equal, if not in abilities, at least in his art of managing parliaments. He has improved on the founder of this corrupt system; he has carried it to infinitely a greater extent. But then, he has had the address to lose half the empire, as one of the first happy consequences of his experimental improvements.

Mr. *Burke* entered into a detail of the civil list expenditure; compared it with that of every reign since the Revolution, particularly the late reign; and proved from a variety of documents, that the civil list revenue, as it now stood, if properly managed, was amply sufficient to maintain the royal household in dignity, splendour, and affluence; and all the expences of the civil government, upon the most generous and liberal scale: from which he drew this natural deduction, that the excess of expenditure arose from a want of economy; or was employed to carry into execution a system of bribery and corruption, which had become for several years past the great engine of government in this country. Though it was nine o'clock when he rose, he was heard with great attention.

Mr. *Rigby* attacked opposition very violently. He said, no accounts were ever given, nor ought to be now given. That he was astonished how the noble lord could waste his time in answering all the trifling and irrelative questions which had been put to him in the course of the evening. For his part, were he in the noble lord's situation, he would make it a rule never to answer a question put by an individual member in his place. The minister had no occasion to waste his time so idly, and to so little purpose. If, on the other hand, the House, or the majority of it, as binding the minority, asked questions, or demanded explanations, then indeed it was incumbent on the minister to give such answers as were not inconsistent with his duty to his Sovereign, and to a true and faithful discharge of the particular office which he filled. It was proper to answer the House, but not otherwise. He then turned his attention towards Governor Johnstone, who, he said, had asked questions, and called for explanations, which he had no right to do. He allowed it might be the custom of that worthy venerable assembly, the Parliament of Leadenhall-street; but he trusted he should never see the day that it would be adopted or endured as a rule in that House. Their conduct respecting their own affairs, did not encourage the world to imitate or emulate the politics of Leadenhall-street. The company would have long since been

been totally ruined, had it not been for the interference of Parliament; they became bankrupt, and were on the very verge of destruction, if they had not been snatched from it by the legislature. Now that they had got a little the better of their difficulties, they began to relapse, and would once more call for the aid of Parliament; but he hoped Parliament would no more permit themselves to be imposed upon, nor longer trust the management of the affairs of the East to a set of men, who had neither the abilities to govern well, nor the honesty to execute with fidelity.

Governor *Johnstone* replied warmly to the honourable member who spoke last, and charged several passages in his speech with being no less destitute of truth and argument, than they were manifestly scurrilous and indecent. In reply to the charge of mismanagement against the East India directors, and the company at large, he insisted that the honourable gentleman was much mistaken. The East India Company's affairs were managed at least as well before as since government, not Parliament, interfered; the latter being only an engine employed by the former, to create a new source of patronage, and increase the influence of the Crown. The company, before Parliament meddled with their affairs, acquired a great empire: it was well if the policy and wisdom that had been this night so highly extolled, would not, as it had commenced in injustice and oppression, be consequential of great mischief, and end in a total loss of that part of the British empire. But supposing that the mode of proceeding in Leadenhall-street was precisely what the honourable gentleman would fain represent it; supposing their mode of proceeding did not arrive to that correct notion of order which seemed to pervade the honourable gentleman's thoughts; supposing it was all disorder in Leadenhall-street, and corruption there and elsewhere, he would have thought the honourable gentleman would be the last in that House to have mentioned it. It was neither more or less than criminating himself, not only individually, but as the head and oracle of a party. He had the sagacity to discover the sentiments of a majority in Leadenhall-street, as well as in Westminster. He had always the prudence, he believed, to vote in a majority. He had seen him attend regularly in Leadenhall-street, at all the courts and ballots, to vote with his long train of dependents, clerks, and partisans; so that, if the East India Company had mismanaged their affairs, the honourable gentleman should have been charitable and tender-mouthed, when he recollected, that he himself

self was one of the prime instruments in causing those miscarriages and threatened calamities he now so loudly lamented, and unfairly attributed to others. The governor replied likewise to many of the explanations given by the noble lord on the treasury bench; and in particular to two articles, the secret service, and the privy purse. The former, he observed, amounted to 600,000l. and the latter to 300,000l. which were, he contended, enormous, and unprecedented in any former account during a like period.

Governor *Pownall* rose next; but the House grew so clamorous for the question, that it was with great difficulty he could make himself heard, his friends and opponents being equally noisy. When the clamour subsided a little, he said, If the House will indulge me with their patience, I will not detain them five minutes. As on the late application to Parliament for payment of the King's debts, in the year 1769, I voted against the paying of them without account; and as I now, on this occasion, shall give my vote for the payment of the present debt, as well as for the enlarging of the King's income, I should be glad to give the reasons on which I found my conduct. I am conscious that I am consistent: I should be glad so to explain myself, as to appear in that light to the House. When the late message came to the House, in 1769, and a motion was made thereupon to vote the sum said to be in arrear, without one article of account, gentlemen of very high authority in the House, and of the highest authority with me, called for the accounts, and asserted, that as the 800,000l. *per annum*, which had been granted at the beginning of the reign, was, to their certain knowledge, not only adequate, but amply so, to the utmost extent of the civil list expences, as well as the ease and honour of his Majesty, it was impossible such arrears could have been incurred, if there had not been some strange mismanagement, or some very reprehensible misapplications, which must appear, if the accounts were laid before us: the accounts, however, were refused, and the question for the motion was put; I thereupon voted against it. The year after this, the accounts were laid before Parliament; and though they were referred to a committee, no observations arose upon them, nor was any motion made in reprehension of them. I from that moment, therefore, considered the expences as irreprehensible and unavoidable. Upon the present application, the accounts are laid before us, and are now upon the table: they are in form and substance, article for article, similar to those laid before the House in 1770.

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Those were not censured; no observations or reprehension has arisen upon these; I must therefore, on the same ground, think the expences contained in these accounts unavoidable; I can therefore find in my own reasoning, no ground of objection against paying them; and as I have heard no other reason from the debate, I shall give my vote for the payment of them. The expence of the late King's funeral, the coronation and marriage of his present Majesty, the marriage of his sister, as well as various extraordinary expences always incurred at the accession, were stated as reasons for the exceeding of the King's expences in that period. No such extraordinary expences have arisen or been incurred in the late period; yet it appears, that it has not been possible to confine the expences within the income. I have not heard any specific charge of reprehension made against the expences, as they stand in the accounts now before us; I must, therefore, as I said before, suppose them irreprehensible and unavoidably incurred, and that, therefore, the present income is not sufficient and equal to the present ordinary expences of the Crown: on this ground I shall give my vote for the enlargement of it. He wished to have proceeded in making some observations on the debate, but the question being insisted on, he was obliged to sit down unheard.

As soon as the call of order was attended to, the following resolution being read a second time, was agreed to without a division:

That the House do agree with the resolution of their committee, that the sum of 618,240l. 9s. be granted, to discharge the arrears and debts due and owing on the civil list, on the 5th of January, 1777.

The second resolution being read a second time, that the yearly sum of 100,000l. be granted for the better support of his Majesty's household, to commence from the 5th of Jan. 1777, over and above the yearly sum of 800,000l. granted by an act made in the first year of his late Majesty's reign; Sir *James Lowther* rose, and moved an amendment, by inserting the words, "and for the different branches of the royal family," immediately after the words, "for the better support of his Majesty's household." He stated the situation of the two royal dukes; the one banished, and exhibiting to the world a neglected, distressed prince of England; drawing pity and compassion from foreigners, rather than respect and attention, due to the rank he must ever hold, how-

however persecuted, that of being brother to the King of Great Britain. The other prince had travelled under similar disadvantages, and was now reduced to a state of economy, becoming, indeed, his necessity and small income, but very ill suited to the rank he holds in this country, and to the respect he merits for a virtuous and exemplary conduct. Sir James expressed the warmest affection and attachment to his Sovereign, and wished only to put it in his Majesty's power to accomplish those gracious acts towards his royal brothers, which would reflect the highest honour to his Majesty and this country: that ministers had stated the increased price of every necessary of life, as a reason for the debt contracted by the household; that therefore, if the dearness of the times was sensibly felt with his Majesty's income, how much more so must it be, even to a degree of distress, in the small and insufficient incomes of the two royal dukes? that if ministers mean to appropriate the great and enormous sums now granted for the real splendour and dignity of the Crown, and not for secret services, they must allow that his Majesty is now in a situation to make better provision for his royal brothers; that he made no doubt but it was his Majesty's gracious intentions so to do, whenever it should be in his power; and that ministers dare not deprive him of the means, if we inserted the words proposed, as it would point out that the sense of the House coincided with that of his Majesty and the people of England, namely, the necessity of making some further provision for the royal dukes; that in all countries except this, it appeared that the people who loved their princes, never suffered them to be distressed, and could much less endure the painful idea of their being forced into banishment from the wretched state of their finances, and suffering in their health from inquietude of mind: that he did not mean to specify any particular sum; that might be left to his Majesty's generosity: but that he was strongly impressed with the insufficiency of the present allowance of twenty thousand a-year; a sum which, in these times, he found occasion to spend out of his own estates, without a single article of ostentation or superfluity: how pitiful a sum, therefore, when given for the support of the King's own brothers! That he was well inclined to pay his Majesty's debts, but not the debts of his ministers; that he would willingly contribute his share, when taxed for the purposes of adding to the happiness and real honour of his Majesty; but that it was the article of unaccounted hundreds of thousands in concealed expenditure, that

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alone kept his Sovereign poor, his family shamefully distressed and exposed, and which endangered the constitutional freedom of the subject, by an undue influence over their representatives.

The amendment was seconded by Sir Edward Astley: but upon Lord North's and the Speaker's representing, that any amendment moved to a report was unparliamentary, and out of rule, it was agreed to refer the consideration to a future day.

The House divided at 12 o'clock, upon the report of the second resolution; Ayes, 231, Noes 109.

The following nineteen gentlemen, some of whom were not present at the last division, voted against giving the additional hundred thousand pounds:

J. Elwes,	*Berks*
J. Cator,	*Wallingford*
G. Grenville,	*Bucks*
Rd. Croftes,	*Cambridge University*
Sir Jas. Lowther,	*Cumberland*
Ralph Gowland,	*Cockermouth*
Cha. Barrow,	*Gloucester*
Rt. Gregory,	*Rochester*
Tho. Lyster,	*Clitherow*
Lucy Knightley,	*Northamptonshire*
Ld. Edw. Bentinck,	*Nottinghamshire*
Ch. Fitzroy Scudamore,	*Thetford*
Edw. Philipps,	*Somersetshire*
Sir J. G. Griffin,	*Andover*
Peter Burrel,	*Haslemere*
Jas. Lowther,	*Westmoreland*
Hon. F. Wenman,	*Westbury*
Nat. Bayley,	*Ditto*
Cha. Brett,	*Sandwich*

Adjourned to the 21st.

April 21.

Agreed to the resolution of the committee of ways and means, that 763,364l. remaining in the exchequer, being the produce of the sinking fund to the 5th of April, 1777, be applied toward making good the supply granted to his Majesty.

Private business.

April

April 22.

Not members sufficient for a ballot to try a contested election for Newcastle.

April 23.

The same.

April 24.

The same.

April 25.

The ballot. Adjourned to the 28th.

April 28.

On the 21st of February last, a petition of the trustees of the British Museum being offered to be presented to the House, Lord North (by his Majesty's command) acquainted the House, that his Majesty having been informed of the contents of the said petition, recommends the same to the consideration of the House.

Then the said petition was brought up and read; setting forth, that, in the second year of the reign of his present Majesty, the said trustees represented to Parliament, that the sum allowed them for the establishment and support of the said Museum, was reduced to a capital of 30,000l. reduced bank annuities, the dividend of which, amounting to 900l. was, notwithstanding their utmost attention to the forming their establishment with frugality, greatly insufficient for that purpose; upon which representation, they have at sundry times obtained from the House various sums to supply the deficiencies of their income, which sums, together with the salary allotted to the King's librarian yearly, amounting to about 250l. have proved insufficient to defray the necessary expences of the said Museum; and what now remains in the hands of the trustees is very little more than what is requisite to discharge the expences already incurred; and that the expences of the said trust and establishment, one year with another, from the year 1767 to the year 1775 inclusive, have amounted annually to the sum of 2127l. 15s. 3d. whereas the yearly income, including the salary of the King's librarian, which the petitioners have enjoyed for little more than a year, amounts only to the sum of 1150l. so that the deficiency, one year with another, during that time, has amounted to 978l. 11s. 3d. a year; which deficiencies will probably increase, as well as several unforeseen expences arise; and therefore praying the House to grant them such further support, towards enabling them to carry on the execution of the trust reposed in them by Parliament, for the general benefit

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of learning and useful knowledge, and for the improvement of arts and manufactures, as to the House shall seem meet.

This petition was first ordered to be referred to a committee of the whole House; but this day Sir Grey Cooper moved to refer it to the committee of supply.

Mr. *Wilkes*. Before the petition of the trustees of the British Museum is referred to the committee of supply, I beg the indulgence of the House, to submit a few general ideas on that subject, entirely independent of party or politics. The encouragement of all useful knowledge, and the protection of the arts and sciences, appear to me, Sir, just objects of public regard, and highly deserving parliamentary attention, especially in this great commercial country. Among the many proofs of the improvement of our national taste and love of polite literature, the establishment of the British Museum claims the pre-eminence. It rose under the favourable auspices of this House; has been carefully watched over by us; and I hope will still continue to receive our friendly protection and support. Various branches of learning have already derived singular advantages from that rich repository, and I think it may be made yet more extensively useful to this kingdom. This, Sir, can only be done by this House, by parliamentary assistance. I shall at present confine myself to general ideas, and only throw out some hints for a future day's consideration.

It seems to me, Sir, highly expedient, that the trustees of the British Museum should not only be enabled adequately to fulfil the objects of their public trust, by making what is already collected as useful as possible to the nation, but still farther to extend the laudable purposes of their institution. Their present funds, we find by their petition, are incompetent even to the contracted plan now pursued. It is a general complaint, that the Museum is not sufficiently accessible to the public. This must necessarily happen from the deficiency of their revenues: the trustees cannot pay a proper number of officers and attendants. This will, to-day, be in part the consideration of the committee into which the House will soon resolve itself. But, Sir, I wish their plan much enlarged, especially on two important objects, books and paintings. This capital, after so many ages, remains without any considerable public library. Rome has the immense collection of the Vatican, and Paris scarce yields to the mistress of the world by the greatness of the King's library: they are both open at stated times, with every proper

per accommodation, to all strangers. London has no large public library. The best here, I believe, is the Royal Society's; but even that is inconsiderable; neither is it open to the public, nor are the necessary conveniencies afforded strangers for reading or transcribing. The British Museum, Sir, is rich in manuscripts, the Harleian collection, the Cottonian library, the collection of Charles I. and many others, especially in our own history; but it is wretchedly poor in printed books. I wish, Sir, a sum was allowed by Parliament, for the purchase of the most valuable editions of the best authors, and an act passed, to oblige, under a certain penalty, every printer to send a copy bound of every publication he made, to the British Museum. Our posterity, by this, and other acquisitions, might perhaps possess a more valuable treasure than even the celebrated Alexandrian collection; for notwithstanding that selfishness which marks the present age, we have not quite lost sight of every beneficial prospect for futurity. Considerable donations might likewise, after such a sanction of parliamentary approbation, be expected from private persons, who in England, more than in any country of the world, have enlarged views for the general good and glory of the state.

The British Museum, Sir, possesses few valuable paintings, yet we are anxious to have an English school of painters. If we expect to rival the Italian, the Flemish, or even the French school, our artists must have before their eyes the finished works of the greatest masters. Such an opportunity, if I am rightly informed, will soon present itself. I understand that an application is intended to be made to Parliament, that one of the first collections in Europe, that at Houghton, made by Sir Robert Walpole, of acknowledged superiority to most collections in Italy, and scarcely inferior even to the Duke of Orleans's, in the palais royal at Paris, may be sold: I hope it will not be dispersed, but purchased by Parliament, and added to the British Museum. I wish, Sir, the eye of painting as fully gratified as the ear of music is in this island, which at last bids fair to become a favourite abode of the polite arts. A noble gallery ought to be built in the garden of the British Museum, for the reception of that invaluable treasure. Such an important acquisition as the Houghton collection, would in some degree alleviate the concern which every man of taste now feels, at being deprived of viewing those prodigies of art, the Cartons *of the divine* Raphael. King William, although a Dutch-

man,

man, really loved and understood the polite arts. He had the fine feelings of a man of taste, as well as the sentiments of a hero. He built the princely suite of apartments at Hampton-court, on purpose for the reception of those heavenly guests: the nation at large were then admitted to the rapturous enjoyment of their beauties; they have remained there till this reign. At present, they are perishing in a late baronet's smoky house *, at the end of a great smoky town. They are entirely secreted from the public eye; yet, Sir, they were purchased with public money, before the accession of the Brunswick line, not brought from Herrenhausen. Can there be, Sir, a greater mortification to any English gentleman of taste, than to be thus deprived of feasting his delighted view with what he most admired, and had always considered as the pride of our island, as an invaluable national treasure, as a common blessing, not as private property? The Kings of France and Spain permit their subjects the view of all the pictures in their collections.

A remarkable opportunity, Sir, of improving the national taste in painting, which was lately lost, I hope may now be recovered. The incomparable Sir Joshua Reynolds, and some other great painters, who do honour to our country, generously offered the late Bishop of London [Dr. Richard Terrick] to adorn the cathedral of St. Paul's (a glorious monument of the magnificence of our ancestors), with some of their most valuable works; but the proposition had to encounter the absurd prejudices of a tasteless and ignorant prelate, which were found to be insuperable. We have the satisfaction at present, of having in the see of London a gentleman [Dr. Robert Lowth], not only of solid piety, but of the soundest learning, and of exquisite classical taste. I hope at such a favourable moment, the proposition will be renewed and accepted.

As almost all arts and sciences have a connexion with each other, they will likewise give each other mutual assistance; and the beautiful art of engraving, which is now carried among us to an astonishing degree of perfection, will come to the aid of her sister, painting. We have shewn our attention to that art this very session. I hope hereafter, even in this cold, raw climate, to be warmed with the glowing co-

* Sir Charles Sheffield's house, in St. James's Park, now called the Queen's Palace.

lours of our own Gobelin's tapestry, and I wish encouragement was given by Parliament to that noble manufacture, which in France almost rivals the powers of painting. The important advantages of such a commerce, too, we may learn from our neighbours.

I am not alarmed, Sir, at the great expence which some gentlemen seem to dread, as the inevitable consequence of what I have mentioned. The treasures of a state are well employed in works of national magnificence. The power and wealth of ancient Greece were most seen and admired in the splendour of the temples, and other sublime structures of Pericles. He boasted, that every art would be exerted, every hand employed, every citizen in the pay of the state, and the city not only beautified, but maintained by itself. The sums he expended on the public buildings at Athens, in the most high and palmy state of Greece, after their brilliant victories over the Persians, diffused riches and plenty among the people at that time, and will be an eternal monument of the glory of that powerful republic. The Parthenon only, or temple of Minerva, which is said to be the most beautiful piece of antiquity now remaining in the world, and is of the purest white marble, cost, with its statues and sculptures, above 1000 talents, near 200,000l.

One observation here, Sir, naturally occurs, which justice to the trustees of the British Museum demands. No public money has ever been more faithfully, more frugally applied to the purposes for which it has been given, than what they have received. Perhaps the trustees of the British Museum are the only body of men who have never been suspected of want either of fidelity or economy. I think, therefore, we may safely trust them farther; nor penuriously, but largely, especially when their accounts are so frequently submitted to our examination.

Learning, Sir, and the polite arts, have scarcely more than three enemies, ignorance and stupidity always, superstition often. The noble lord with the blue ribbon [Lord North] who is at the head of the finances of this country, possesses wit, genius, a great deal of true taste, and a very cultivated understanding. The most important establishment of this kingdom, in taste and literature, now supplicates his assistance and protection; and I trust the arts will find in him a generous benefactor and a powerful protector.

As soon as the House went into the committee of supply, Sir *Grey Cooper* moved, that the sum of 3000l. be granted to the

the trustees of the British Museum, to enable them to perform the trusts vested in them by several acts of Parliament.

Mr. *Burke* observed, that the House had of late shewn a most generous and giving disposition, both of their own and the public money; probably they remained still in the same good temper. To make a trial of that, he begged leave to amend the honourable gentleman's motion, and instead of 3000l. insert 5000l. Parliament had been liberal of late, not of single thousands, or hundreds of thousands, but millions, granted for slaying their brethren and fellow-subjects in America; and surely they would not be more backward to encourage and protect the liberal and polite arts, than to forward the destruction of their species, and effect all those horrid mischiefs which are the inevitable consequences of civil war.

The motion was seconded by Mr. Wilkes; but the question being put on Sir Grey Cooper's motion, the committee divided. Ayes 74, noes 60.

April 29.

Mr. *Wilkes* made his annual motion respecting the Middlesex election, which he introduced with the following speech:

Mr. *Wilkes*. The important rights of election in the people are so deeply interested in the question which I think it my duty to move again to this House, that no apology can be necessary for my embracing this, and every opportunity which the forms of Parliament permit, of bringing this business again to our consideration.

Every elector in the kingdom, Sir, was injured by the resolution of the last Parliament, in the case of the Middlesex elections. A fatal precedent is thereby created, of making an incapacity by a vote of this House, whereby the law of the land, and common right, rendered the party eligible. The words of the resolution of the 17th of February, 1769, are, "That John Wilkes, Esquire, having been in this session of Parliament expelled this House, was, and is incapable of being elected a member to serve in this present Parliament."—By this arbitrary and capricious vote, the House established an incapacity unknown to the laws of the land. It is a direct assuming of the whole legislative power, and gives to the resolution of one House the virtue of an act of the entire legislature to bind the whole. The King, the Lords, the Commons of the realm, suffer alike from this usurpation, which effectually destroys both the form and essence of this

free constitution. The right of representation is taken away. It is difficult, Sir, to decide whether the despotic body of men which composed the last rotten Parliament, intended by the whole of their conduct in the Middlesex elections, to cut up by the roots our most invaluable franchises and privileges, or only to sacrifice to the rage of an incensed court one obnoxious individual. In either case, the rights of the nation were betrayed by that Parliament, and surrendered into the hands of the minister.

We are, Sir, the guardians of the laws. It is our duty to oppose all usurped power in the King, or the Lords. We are criminal when we consent to the exercise of any illegal power, much more when we either exercise or solicit it ourselves. This the late House of Commons did, in the address to his Majesty to dispense with the laws, by issuing a proclamation for the apprehending of two persons, not felons, but honest laborious printers, Wheble and Thomson, in 1771; yet that very House of Commons are spoken of here with great applause. Gentlemen, Sir, look much displeased. There is not, however, Sir, I am satisfied, one gentleman of the law who will not get up in his place, and justify that illegal proclamation, which was protested against in this House by some of the ablest lawyers among us before it issued, and has since been universally condemned. It was by me set aside judicially, and a man apprehended under that royal proclamation discharged.

I observe, Sir, on all occasions, a tenderness for the proceedings of that Parliament, which it in no respect merited. If, however, they had been guilty of no other outrage against the freedom of the subject, this alone, respecting the Middlesex election, by which the constitution is overturned, was sufficient for their full disgrace in the annals of our country. The present question has been fully debated twice in this Parliament, many times in the last House of Commons, and I believe every precedent quoted which could be produced, from times the most favourable as well as the most hostile to liberty; from the remarkable case of Wollaston, in the reign of King William, to that no less celebrated one of Walpole, in the latter end of Queen Anne. An archangel descended among us, would scarcely give a new, original idea on this subject. I shall therefore reserve myself, Sir, for the reply, if I hear any material objection to the motion which I shall have the honour of submitting to this House. I can foresee only one objection, which I shall endeavour to obviate; and

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I hope the House will think that delicacy ought to yield to justice.

Gentlemen, I observe, have scruples of rescinding former resolutions, not knowing, they say, where such a practice may stop. It is a scruple, in my opinion, very ill-founded. The first great object is truth, and we ought to follow where that leads. If the last Parliament have acted wrong, let us reform their errors. If they have established a wicked precedent, we ought to reverse it. If we have ourselves committed injustice, let us afford all the reparation in our power. We have given the world a remarkable instance of our repentance this very session, in the case of Mr. Rumbold and Mr. Sykes. The 22d of November last, the order to the attorney-general to prosecute Thomas Rumbold Esq. and Francis Sykes, Esq. as principal promoters and suborners of corrupt and wilful perjury at the election for Shaftesbury, was discharged, on the motion of as respectable a gentleman * as ever sat in Parliament. That order, however, was made by ourselves in the very last session, on the 14th of February preceding the reversal.

I have not yet, Sir, an inclination to quit the company of Messrs. Sykes and Rumbold. Their case will serve me farther in my reasonings. It is a strong argument against expulsion, necessarily including incapacitation. I will suppose, Sir, that instead of the House having determined, in April 1775, in the first session of the present Parliament, that neither of those two gentlemen, on account of their notorious bribery and corruption at Shaftesbury, were duly elected, it had then been voted that they were guilty of being the principal promoters and suborners of wilful and corrupt perjury; a resolution the House did actually come to in February 1776; and in consequence of so black a crime, they had been expelled. Subornation of wilful and corrupt perjury, is surely a more atrocious sin, and more merits expulsion, than the writing a libel. Afterwards, let me likewise suppose the House change their opinion, and find they proceeded without sufficient evidence; a resolution the House did actually come to in November 1776. By the courtly, but unparliamentary doctrine now pretended to be established, that expulsion means incapacitation, you would not have it in your power to restore them to their seats, although you were perfectly convinced of their innocence. Justice would call aloud upon you

* Sir George Savile, Bart.

to do it, because it appeared that no legal proof, no sufficient evidence, was given, on which you had founded so rash, so unjustifiable a judgment; but the cries of justice would little avail with a venal senate against ministerial despotism, or a royal edict, in the form of a parliamentary resolution. My first expulsion, Sir, in January 1764, was for being the author of the North Briton, No. 45. Where is, to this hour, the legal proof by the oaths of twelve of my countrymen to be found of that charge? I have never even been tried on that accusation. A court of law determined on a different charge, that of the re-publication; a charge which might have been brought against five hundred other persons.

As little delicacy, Sir, has been shewn by us to the acts of former Parliaments as to our own resolutions. Have we manifested any tenderness to the memory of the first Parliament which was called in his present Majesty's reign? That Parliament declared, and declared truly, in the civil list act, that 800,000l. was "a competent revenue for defraying the expences of his Majesty's civil government, and supporting the dignity of the Crown of Great Britain." Within these few days we declared, that 800,000l. was not a competent sum, and "that for the better support of his Majesty's household, and of the honour and dignity of the Crown, there be granted to his Majesty, during his life, out of the aggregate fund, the clear yearly sum of 100,000l. to commence from the 5th of January 1777, over and above the yearly sum of 800,000l. granted by an act made in the first year of his Majesty's reign." If the sum of 800,000l. was competent to these great purposes, we had no right to vote more of the people's money. We were improvident, and prodigal trustees for the nation, not to use a more harsh expression. We likewise voted the last week, above 600,000l. as the last Parliament had above 500,000l. much above a million in all, on the same pretext of paying the debts of the King, when his Majesty had enjoyed a competent revenue of 800,000l. clear of all deductions and contingencies; and those debts were of the most suspicious nature, even as to the independency of this House. Let us not therefore, Sir, affect more tenderness for the last Parliament in so flagrant an instance of injustice as the case of the Middlesex election, than we have shewn to them, and to ourselves too, in other respects. We ought, if we are men of honour and principle, to do justice to all the electors of this kingdom, and by a formal repeal, to make satisfaction to those zealous defenders

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of liberty, the spirited freeholders of this injured and insulted country. I desire, Sir, to recall to the memory of many gentlemen, what passed in this House the last Parliament, on one of the great debates respecting the Middlesex elections. A noble lord, the darling of his country, as well as the favourite of our army, whose memory is dear to every Englishman, for he joined to the bravery of Cæsar all the mild and gentle qualities of our English hero, Edward the Black Prince; that noble lord, Sir, stood up in his place here, and solemnly asked pardon of his country for having, as he said, wounded the constitution, and violated the rights and privileges of this kingdom, by voting as he had done in this House in the business of the Middlesex elections. He did not stop there. He was anxious to make public reparation for a mistaken opinion, but of such moment; and he afterwards joined the opposition in an important question respecting the discontents of the people on this very subject. We may all, Sir, imitate the love of justice and candour, if we cannot reach the high courage, of that illustrious, immortal character, the late Marquis of Granby.

While the resolution which I have mentioned is suffered to continue on our Journals, I shall believe, Sir, that the elective rights of the nation lie at the mercy of the minister, that is in fact, of the Crown; that the dignity and independency of Parliament are in danger of being entirely destroyed. It is evident, that no gentleman now holds his seat by the choice of his constituents, but only by the good-will, and at the pleasure, of the minister, or by the royal permission. The tenure is equally precarious and unjust, for the constitution has clearly lodged in the people the power of being represented in this House by the man who is the object of their choice. A committee can never have but that single question to determine, provided the party is by law eligible, and has pursued only those methods which are warranted by law. I will seize every opportunity of importuning, of conjuring the House, if they have any reverence for the laws, utterly to rescind this unconstitutional and iniquitous resolution. We owe it to the present, and to every future age, and therefore I move, "That the resolution of the House of the 17th of February, 1769, that 'that John Wilkes, Esquire, having been, in this session of Parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present Parliament,' be expunged from the Journals of this

House, as being subversive of the whole body of electors of this kingdom."

There was no reply. The question was immediately called for, and the House divided; for the question 84, against it 140.

Motion for the second reading a bill for enabling his Majesty to license a playhouse in the town of Birmingham.

Sir *William Bagot* said he opposed the motion, because he disliked licensed theatres in manufacturing towns, and the fatal tendency of having theatres indiscriminately established throughout the kingdom. And he drew a picture of a variety of mischiefs which might ensue in such a town as Birmingham, from Mr. Yates's having a power to act there, and defy the power of magistracy, urging, that forcing of tickets upon the working manufacturers, in lieu of wages, had already been practised to such a shameful degree, that a magistrate, since dead, [Mr. Worley Birch] who was himself systematically a man of pleasure, admired plays, and was fond of actors and actresses, had at one time found it necessary to interfere, and inform the actors, even though they were his favourites, that if he heard any more of such pernicious practices, he would not suffer them to play there again. Sir William further said, that once they were sent out of town, and that they were not permitted to act in Birmingham again for three successive years. He observed, that the answer to him would be, "That it was improper to trust the case in the hands of magistracy; when it was notorious that there had been two unlicensed theatres suffered to be open at once for the two last summers." In reply to this he had to state the fact—there was no magistrate then near Birmingham; Mr. Worley Birch was too much indisposed to attend to business for some time previous to his death, and, since that event, no new commission had been sent down till the spring of 1776, when the King-street company of players, who were preparing to act, were prevented from so doing by the new magistrate. Sir William dwelt for some time on the bad consequences of forcing tickets on the poor mechanics, and declared it was not only owing to their immediate masters, but also to the employers of those masters, the factors for foreign countries, who obliged the masters to put off what number they thought proper. In order still more to enforce his arguments on this head, he drew a melancholy picture of the distresses of the poor people after they had received the tickets, shewing

shewing the difficulties they labour under, even to re-obtain half-price for them, and asserting, that they were frequently obliged to send their children to the avenues of the theatre to sell them for what they could get, and that the gentlemen who could pass through such a range of unfortunate beings, in their way to the theatre, without feeling for their distress, must love tragedies better than he did. By way of proving the fatal tendency of establishing theatres indiscriminately in any kingdom, Sir William adverted to the times of the Romans, when he declared the giving theatres was the cause of the decline of the state; he declared, that to add to the dissipation of the people was always the maxim adopted by those who meant to enslave them, and that the common means of fixing slavery on any people was by giving theatres. He bid the House recollect the ancient medals, on the reverse of which was a theatre, with the words *Ludi instituti.* These, he said, were melancholy instances of the truth of what he had asserted, as it appeared from the words round the edges of such medals, that the Romans were also obliged to establish granaries of corn; and to give the people bread at the same time; this latter he feared would be the next step with Birmingham, if the House gave them a theatre. Here Sir William introduced a kind of apostrophe on the subject of the Roman medals, appealing to the House how much more glorious it was to cast medals on any conquest, and how much better the inscriptions of *De Germanis*, or *De Britannis*, appeared, than that of *Ludi instituti.* From this digression he returned to his main subject, and remarked, that Birmingham was a village; that it had, from the industry and abilities of its inhabitants grown into a large town; its glory, however, was in its village situation, and he wished it to retain it; he wanted not to see it ornamented with any royal trinkets, no royal charter, no royal incorporation, no royal theatres. And why, when the sense of the inhabitants was clearly against a limited theatre, should the House force one upon them? Why also give it to Mr. Yates, who had professedly broken the law for five and twenty years? There was, indeed, one reason: Mr. Yates had sent a card to every member, with his compliments, and begged their support of the Bill. Mr. Yates's compliments! The Speaker, he doubted not, had received one; he hoped he would attend to it properly. Sir William ended with intreating, that every gentleman would remember Mr Yates's compliments!

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Mr. *James Luttrell* agreed with Sir William Bagot, that the bill ought to be thrown out; said the practice of forcing tickets upon the workmen, instead of money to support their families, was very iniquitous, and that unless the players could be turned out of the town, it would be impossible to prevent those crimes; that many complaints required redress, which could not be obtained if the theatre was licensed, and said it would be very dangerous for Parliament to point out, and for his Majesty to countenance, any description of talents and merit, which did not contribute to benefit the manufactories: he spoke warmly against Mr. Yates, the petitioner; said the petition was impudence, and the application ingratitude; therefore, if discretionary powers ought to be given to any man, Mr. Yates was the last person Birmingham could approve of, or that the House could with decency admit of.

Mr. *Fox* objected to the asperity of the terms used by the honourable gentleman who spoke last, as improper for the place, the subject, and the person to whom they were applied. He said, he had always retained a grateful sense of the entertainment he had received from actors of Mr. Yates's acknowledged merit; and that he could perceive nothing in his conduct, on the present occasion, sufficient to justify such epithets as that gentleman had used. If the party to whom they were applied, had been in a higher rank, it would, to say no worse, have been extremely indecent to have so treated him; and it must be very unpleasant and mortifying to any man. He therefore thought it extremely wrong, and could not be a silent auditor of such severities against a person who had only exercised that right which every other man had, of applying to Parliament. He declared himself for the second reading of the bill, and sending it to a committee, when the true sense of the inhabitants might probably be collected. If any thing could be decided, one way or the other, he thought the probability was, that the majority of the inhabitants were in favour of the bill, from the open and continued encouragement they had given to theatrical entertainments for such a number of years back. In his opinion, dramatic exhibitions had their use every where, and often drew the attention of the common people, and prevented them from wasting their time and money in employments of a much more dangerous and pernicious nature. In general, they tended to civilize and polish the manners of nations; and so far were the institutions of theatres from being the fore-runners *of slavery,* or the badges of despotism, that they were

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most encouraged, and flourished best, in free states. He was witty on what had fallen from Sir William Bagot relative to the Roman medals. He said, he had much rather see such medals now struck, than political medals; for that there could be no disgrace in shewing by the words *ludi instituti*, that our manners were polished; but that there might be some in having medals with the inscription *De Britannis Colonis*, which would tend to throw a ridicule on our late glorious campaign in America.

Mr. *Dempster* enforced the hint thrown out by Mr. Fox, that the sense of the town of Birmingham had not yet been taken. He jocosely remarked, that he thought it no improper familiarity in Mr. Yates to send cards to any member, with his compliments, desiring his support of the bill, which had been mentioned with some degree of contempt by Sir William Bagot. Mr. Dempster said, it would have been more familiar, and perhaps would have given less offence, if the card had been from Mr. and Mrs. Yates. As to the point in question, it was evident there always had been, and still would continue to be, theatrical representations at Birmingham; therefore, it was certainly better to legalize them, and put them under the inspection and jurisdiction of the proper officer, than to leave it to the discretion of a private magistrate to check their irregularities. The Lord Chamberlain would regulate a licensed theatre, and upon any just complaint of the inhabitants, suspend the license.

Sir *Henry Gough* living near the town of Birmingham, he had frequent opportunities of hearing the most melancholy complaints against the oppression of forcing the poor workmen to take tickets for the players' benefits; that since there had been two rival theatres, the evil had been greatly increased, and that it was high time to put a stop to it. The bill depending, so far from applying a remedy, would establish, and in some measure authorize, the hardship. There was no necessity Birmingham should have any theatre at all; a strolling company might now and then come there, but the magistrates would judge if it was proper for them to perform or not; and having no fixed residence or protection, they could have no pretence for the shameful method of distressing the poor by benefit tickets. He was therefore against the second reading of the bill.

Right Hon. *T. Townshend* bestowed great encomiums on the talents of Mr. Yates as an actor; acknowledged his having frequently received great pleasure from his representa-

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tions; and thought it was improper to treat him severely for his application to the House for a bill to enable him to entertain the people of Birmingham according to law; but yet he must, though with reluctance, in this case give his vote against the second reading of the bill; for it was clear to him, that there should be no theatres allowed by law in any manufacturing towns. He had heard from very good authority, that the theatre licensed at Manchester, in consequence of a similar application to Parliament, had done a great deal of mischief already: nor could it be wondered at, if we consider what pieces are sometimes represented, which, not being new, are not subject to the control of the Lord Chamberlain: the Beggar's Opera, for instance, which had brought more unhappy people to the gallows, than any one thing he could name. As to the country gentlemen, surely this was not such an age of domestic retirement, but what they might find sufficient amusement in visiting their neighbours in the summer, without wanting to frequent a theatre. The affair of the tickets, he observed, was become an intolerable oppression; for it was not always the master manufacturer who compelled his workmen to take them; it was the agents from foreign countries, who forced the masters to take them, or threatened to carry their orders elsewhere if they refused. Considering then the circumstances of Birmingham as a great manufacturing and trading town, depending on the industry and frugality of the poorer class of people, he was of opinion it would be highly improper to license any theatre there.

Mr. *Burke* spoke next; and after exculpating Mr. Yates from the charge of impudence, in his application to the House, declared it to be the right of every subject to petition Parliament in any case, where the legislature could be of use to him. It rested with Parliament to receive or reject his petition; but certainly he ought not to be treated with severity, so that he should go from the House in a worse situation than he came to it. As to the opprobrious epithets used in old acts of Parliament against unlicensed players, he was sorry to say they partook of the savage temper of the times in which they were made. The profession was a liberal one, and, under proper limitations, highly useful; and, therefore, he wished to see those whose abilities gave rational entertainment to the public, treated with decent respect. If unlicensed players were deemed vagabonds, surely Mr. Yates was justifiable in attempting to obtain the sanction of the law for his person and for his entertainments, which the people of Birmingham

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seem to have been fond of for so many years. He thought the personal character of Mr. Yates had nothing to do with the question. He then corrected Sir William Bagot in point of chronology, remarking, that theatres were instituted at the time when the Roman republic was in the most flourishing state; that civil liberty encouraged this rational entertainment; and it was only on the principle that no man should be compelled even to pleasure, that he should oppose the bill, because it was evident to him that a very great majority of the inhabitants were against it. He mentioned Sir William Bagot's wish, that Birmingham might remain in its village state; and took notice of the politics of the times, which he feared would gratify the gentleman's wishes; for instead of improving villages, and converting them into large towns, he said, the wretched measures we had been pursuing for some time, it was to be feared, would soon reduce our great trading towns to obscure villages. Birmingham might very soon have no theatre, no manufactures, nor any magistrates.

Mr. *Wilkes* went into the Roman History, and maintained from thence, that the time when theatres were most encouraged, was the very period when Rome enjoyed her civil liberty in its greatest perfection. Lelius and Scipio, the friends and protectors of the liberties of the Romans, were likewise the patrons of Terence. In the free states of Greece, theatres flourished earlier than at Rome. It is a rational entertainment, and the gentleman who mentioned the Beggar's Opera, should have added, that in the same theatre the Conscious Lovers and Cato are performed: and I appeal to all the gentlemen who have seen the representation of Macbeth, if they do not think it must have a greater effect to prevent the horrid crime of murder, than all the sermons that have been preached since the beginning of the world. With respect to the magistrates of Birmingham, I must observe, Sir, that they have no power but what they derive from the laws; and in permitting unlicensed players to perform for so many years, they were guilty of a breach of their duty: they suspended the laws; an offence for which one of the Stuarts was obliged to leave this country. The application from Mr. Yates is a very proper one, that he may be supported in his profession by the laws; and notwithstanding all that has been said against having theatres at Birmingham, I still think the people will be better employed at the playhouse than in alehouses and gin-shops. As to the majority, too much stress is

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laid upon them; if 50,000 of the inhabitants of Birmingham are against having any theatre at all, is this a good foundation, in a land of freedom, for debarring the other 10,000 from the enjoyment of a rational amusement, for which they have a strong inclination? Surely it cannot, it ought not. As to the abuse with respect to benefit tickets, it may be provided against in the progress of the bill; I am therefore for the second reading.

Mr. *James Luttrell* to explain, said, that Mr. Yates's character was a very material and necessary object of consideration; for that the bill applied to take powers out of the respectable hands of the magistrates, who must have the peace and prosperity of the town and manufactures at heart; and that to vest those powers in the hands of a man who shewed contempt for the inhabitants, and was odious to them, would be a crime in the House; therefore, as a member of it, he was free to give his opinion of Mr. Yates's conduct. He maintained, that Mr. Yates's attempt to carry such a bill, in defiance of all the principal gentlemen, and most of the inhabitants of Birmingham, was impudence, and paid no compliment to the integrity of Parliament; and that having received favours for twenty years, upon sufferance, shewed the height of ingratitude towards his benefactors.

Mr. *Rous* spoke against the bill, and replied to what Mr. Wilkes had said respecting a magistrate's suspending an act of Parliament. He contended, that the honourable gentleman was mistaken, in imputing a neglect of duty to the neighbouring magistrates, because they permitted unlicensed theatrical representations, contrary to law. As a magistrate, the honourable gentleman ought to have known better. He ought to have known, that it is no part of the duty of a magistrate to act in the first instance, but officially, on a complaint made, or information given.

Mr. *Harris* closed the debate. He remarked, that almost every gentleman who had taken a part in the debate, had complained of enormities having been practised for upwards of twenty years in Birmingham, and yet that several gentlemen wished to throw out a bill calculated to correct and restrain similar enormities in future. He mentioned several of the ancient writers of an elder day than Terence, and after talking highly in praise of a well-regulated theatre, ended with urging the political necessity and propriety of passing the present bill into a law.

The House divided, for the bill 18, against it 69.

April

April 30.

Hon. *T. Luttrell* said, he thought it for the credit of all parties, that strangers should be admitted under proper restrictions; candour, policy, gratitude, and duty to the people, whose representatives they were, called upon them to open their doors—so far as the confined limits of the House would admit of. There was, he insisted upon it, a constitutional right in their constituents to satisfy themselves how far their delegates did, or did not, discharge the trust reposed in them with firmness and fidelity, and to form some judgment whether their principles and legislative suffrages might merit a renewal of that trust on a future occasion. The persons solicitous to be present during the debates of Parliament, are, generally speaking, such as are more immediately interested in the question under debate; and he appealed to some of the ablest, and most diligent members of the House, whether in former times they had not often been put in possession of matters of fact happily decisive of the business in issue, by stepping for a minute into the gallery. To fabricate and enact laws, especially of a penal nature, as most of those were which had lately passed the House of Commons, with a clandestine privacy like *Lettres de Catchet* from the court of Paris, and thus take by surprize a subject whose liberty, and perhaps whose life, is affected thereby, must, it stands to reason, in a free country like ours, be utterly repugnant to the vital principles of its constitution; he therefore should move, "A committee of the whole House, to consider the several orders relative to the exclusion of strangers from the galleries." He said he was not partial to any particular mode; but hoped, after due deliberation, the House would adopt that which should reconcile the reasonable, the commendable curiosity of decent persons who wished to be present, with the commodiousness of the members themselves. Some rule might probably be approved of similar to the following: "Any member of the House attending his duty in Parliament, to be permitted, during the remainder of this session, to introduce, before four o'clock on each day of public business, one person into the gallery below the bars, on delivering at the Speaker's table, the name in writing of the person so introduced, and thereunto subjoining his own name as responsible for such introduction." The private business of the day was usually ended about four o'clock; supposing three hundred members to be in the House by that hour, which was a greater number than he had ever seen during this session,

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and two hundred of those meet with so many friends, whose names they should write down for admittance into the gallery, there would still remain seats enough within the bars for upwards of one hundred members more, who might arrive in the course of the evening; that is, in case of an adulatory address to the Crown, or an augmentation to the civil list revenue; for those were the only divisions he had seen in Parliament when the company was so numerous; and indeed some scores of the majority members thought it sufficient if they repaired towards the close of the debate from the outposts, and upon a forced march to the standard of the minister. Hence it was, that when the ayes and noes were finally cast up at eight or nine o'clock at night, there was sometimes a respectable attendance of near four-fifths of the whole body. Mr. Luttrell said, he had been at the pains of measuring the seats, and if they would assign to strangers the entire gallery below the bars, there would yet be found near 800 feet of cushion for the easy accommodation of the members: he would not wish to limit every senator to the measure complained of the evening before, as prescribed by Mr. and Mrs. Yates for the Birmingham theatre, which was only nine inches each person; he would double that allowance, or even give twenty inches (which was about the size of the speaker's seat) to each member: a pampered prebend in a metropolitan stall asked no more, and it was within half a foot of the state chair in which his holiness of Rome is carried, by way of anniversary sacrament, to the summit of St. Peter's church, in all the plenitude of his divine vicegerency, to extinguish heresy under the type of a lighted candle. When Sir John Cust was speaker, and during the great length of time that Mr. Onslow presided, strangers were admitted even into the body of the House, while Lord Chatham has here delivered his sentiments on public affairs, with god like persuasion and eloquence. Strangers have been suffered to advance so far as beneath the rose which is in the centre of your roof; that rose which is now become, like the bloody ones of York or Lancaster, a symbol of state secrecy. To make its figurative import more perfect, I would have it painted white; the white rose of the tenth of June should perpetuate the honour and virtue of our present ministers—with the arbitrary principles of their cabinet junto and cabinet parliament. Mr. Luttrell added much more on the ground of the original rights of the people in this free country, to be present at the national debates carried on in their behalf by their delegates

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in Parliament; and wished only to have the advocates for the continuance of this calamitous civil war, and those who took the contrary side of the question, and reprobated the promoters of it, impartially listened to by their constituents without doors. No doubt the ministers would not object to opening the doors on the day of the budget. For his part, next to the exclusion of strangers altogether, he thought nothing so unadvisable in this business, as to admit strangers partially to hear mutilated debates, or artful, dangerous, and wicked misrepresentations. He then made the motion before stated.

Mr. *Wilkes* seconded the motion, but reserved his arguments.

Right Hon. *T. Townshend* (not having observed Mr. Wilkes) seconded the proposal to go into a committee upon this interesting subject. As he had been a member of the House during three Parliaments, he was master of the precedents of former times, and the custom of Parliament, relative to the admission of strangers. He said, that such indulgence was reasonable, and even necessary, on constitutional principles; and he never had been witness, till the present Speaker was in the chair, of their general orders thereupon being vigorously put in force. He wished them to follow the example of the other House of Parliament, which had opened their door to strangers; but yet, he added, that he had a kind of plebeian rusticity about him, which could ill brook the ungracious way of doing it with regard to the Commons. He was severe upon administration; he said he could impute their repugnance at going into a committee to nothing but a glaring sense of their iniquity, and a consciousness that their deeds and political doctrines would ill bear the light.

Mr. *Wilkes* insisted upon what he called the constitutional propriety of going into a committee of the House upon these rigid and unjustifiable orders on the Journal against the very creators of their authority; and drew a picture of what he called the dark and bloody politics of the present junto of ministers.

Lord *North* took a view of all that had been advanced by the three gentlemen on the opposite side of the floor. He assured the honourable member who made the motion, that he by no means wished to open the doors on the day of the budget, nor at any other time. The day of the budget was to him a day of anxiety and labour, and not of exultation: "sufficient for the day would be the evil thereof." He flat-

tered himself, at all events, he should have hearers enough on that day, without admitting strangers into the gallery; but he wished the honourable member would point out in what instance he had deceived Parliament, and misrepresented the state of this country, or of foreign powers, before he advanced so harsh an insinuation. The honourable member had measured the size of the gentlemen belonging to the House, but he had not calculated so exactly the size of constituents who were to be admitted into the gallery: he conceived they could only be the constituents of the honourable gentleman who spoke last [Mr. Wilkes] and the proposal was to restrain the indulgence to about 200 only, and all other constituents were, it seems, still to be kept out. He believed the House would be of his opinion, not to open the doors on any occasion, not even for the budget; though it was on very fair public ground that they had heretofore been admitted on that day.

Mr. *Luttrell* to explain—He should be sorry if the House held him capable of advancing charges of a criminal nature, such as the noble lord had erroneously taken to himself, without stating the facts on which such charges were framed, much less would he leave the House with an impression, that those charges might have been intended for that noble lord, for whom he had the respect and deference due to his exalted station and pre-eminent talents; but other ministers had so misrepresented the condition of your fleets and armies, and the resources of this country, as well as the policy and strength of their natural enemies, and of our revolted fellow-subjects (now fellow-subjects no longer!) that, he conceived, he was fully authorized in candour, to apprehend that no very fair and authentic story would, upon the whole, compose the approaching annual budget. He observed, that although only 200 strangers might conveniently be admitted at the time, yet the indulgence would not be always confined to the same individuals; on the contrary, many thousands might in the course of a session hear some part of the debates: he should have thought that the noble lord, who was present the preceding evening when a question was agitated locally affecting the county of Warwick, must have observed, that the gallery was nearly filled, not with Middlesex voters, whom the noble lord seemed so averse to, but with persons from that part of England immediately interested, who had the satisfaction to see both their knights of the shire zealously supporting the wishes of all the respectable inhabitants in the

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most populous and flourishing town of the county they represent, against a few presumptuous dramatic speculatists.

Mr. *Fox* expressed his hearty approbation of the motion, and was glad the honourable gentleman who introduced it had not urged an absolute discharge of the uniform and necessary orders of the House, established for good government and decorum. He wished that the House would, as heretofore, decline to enforce those orders with such reprehensible rigour; and he was sure, that if a committee were to take it under candid consideration, some method might be devised fully to answer the end proposed. He took a view of Lord North's arguments. He dwelt on the expediency of letting in young men of parts and education, that they might cultivate and improve their understanding, and become early habituated to the conduct of state affairs, and to political argumentation.

Mr. *Rigby* said, the honourable gentleman who spoke last was himself the strongest proof that a gallery lesson in politics was not necessary to form a perfect statesman and orator; for, if he recollected rightly, he was elected into Parliament under the age of twenty-one, and before he returned home from his travels; and certain it was, he could not have been much schooled in that gallery. He added, that his fundamental maxim in politics was to be consistent throughout, and act according to the best of his judgment. He thought it improper to let in strangers; they had no business in the House at all; and he had observed, that when they are thus indulged, scarce a day passes without some of the members being put to much inconvenience, and frequently they have been pushed about and insulted. He always had voted against admitting strangers, and would always continue so to do. Even when it was a custom to let in strangers under certain restrictions, he had never brought in any body whomsoever, and never would, for his part, even should the like indulgence again take place. Some gentlemen were for letting in the eldest sons of members; he had no eldest son; many other gentlemen as well as him, were so unhappy as to have no eldest son; were they therefore with propriety to be deprived of the benefit of such indulgence, if they chose to have their share of it? Besides, the eldest son was not heir by birth to a seat in that House; he might, possibly, never have a seat there, except indeed where there were hereditary burgage tenures in the case. What good could result from strangers being in the gallery? Only to print speeches in

newspapers of all sorts. He agreed with Mr. Townshend, that the Members of the House of Commons had little reason to be pleased with the stile and terms of their admission into the House of Peers: a line was drawn between commoners who are allied to the peerage, and all others of inferior dignity. Lords' brothers and Lords' cousins might be accommodated behind the throne, but the rest of that House must be content to stand below the bar, with an intolerable crowd of other persons, and with a risk of having their pockets picked. He finished by declaring, that although he disapproved of the motion now before the House, he would not be one of those who would give his vote in favour of any positive resolution of Parliament, to exclude the people without doors totally; and if the power could be totally vested in the Speaker, and committed to his discretion, he might perhaps risk a little of the strictness of his ruler's doctrines.

Sir *William Meredith* said, that none but members ought to be present during the debates of that House; there were votes published under the Speaker's authority, which sufficiently declared the sense and determination of the House of Commons on every important question. The arguments, the motives, the policy and influence that might induce those decisions, were out of the pale of popular inquiry. The world at large, even our immediate constituents, had no just claim to be apprized of all the *minutiæ* of debate; but if gentlemen wished to let in strangers, they should first learn to preserve better temper, to lay aside inflammatory declamation, personal animosities, and indecent freedom of speech; then perhaps all parties might coincide in an opinion to extend the indulgence that was now asked for, as far as it could go, without impeding the business of the nation, or molesting the members in the possession of their seats in the body of the House.

The *Speaker* finished the debate, by calling on the House to instruct him on this delicate occasion how he was to act. He said, if it were to meet the sense of the House, and he could be allowed to admit strangers impartially, and according to a general rule agreed on by all parties, he should be far, for his part, from having an objection to such indulgence; but he wished not to have a discretionary task assigned to him in an affair of this kind, where he was apprehensive that the best-meant complacency, and unbiassed dispensation of his power, would fail of giving that unanimous satisfaction *which was the* first object of his ambition.

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The numbers were eighteen for the motion, and eighty-five against it.

Order of the day to receive the report from the committee for allowing lumber to be carried to the West India islands.

Sir *William Meredith* moved three resolutions in the committee, in order to give some relief to the West Indies; 1st, To carry lumber directly from the Baltic; 2d, To enable the King's commissioners to grant licenses to British ships, to carry lumber and provisions from New-York; and 3d, To grant bounties on lumber imported into the West Indies from Canada, Nova Scotia, and the island of St. John's. [See last volume, page 274.]

Lord *North* objected to the two first, but assented to the last; his lordship pointing out the danger of suspending the navigation act, and opening a door for smuggling all sorts of manufactures from all parts of Europe into our colonies; and that it was unnecessary to have an act of Parliament to open the port of New-York, because the King's commissioners had a power to declare the whole province at the King's peace, when it became necessary so to do.

Sir *William Meredith* contended, that, if our armies got possession of the Delaware and Hudson's rivers, our West Indies might get immediate supply, though it might be a long time before the commissioners might think proper to declare the people at the King's peace. New-York itself had been long in our possession, and with the power now desired, the commissioners might have sent relief to the islands, without declaring the province at the King's peace. That, the danger of smuggling manufactures from the Baltic was trifling, if compared to the loss our trade does and will sustain by the distress and poverty of the West Indies. The navigation act being already suspended by the restraining bill, in order to distress the rebels on the continent, it was strange not to suspend it also, for the sake of relieving our loyal and distressed fellow-subjects in the islands. That the African trade was all but lost, for want of regular payments from the West Indies, which could not be made, on account of the losses sustained by the American privateers, the advanced price of freight and insurance, and above all, the exorbitant price of lumber and provisions. That thus, inability to trade with this country would still be increased, if the difficulty of obtaining lumber should render it impossible to send their produce home to Europe; cultivation itself must

cease. Above three hundred families, who lived here in affluence, had quitted the country, on whom various trades in this metropolis depended for their chief support. He said, that the last resolution to grant bounties, would be ineffectual without the others; for though something might be got from Canada, Nova Scotia, and St. John's, yet no effectual supply could be expected from those places. The navigation to Canada was open but once a year, and that at a time when lumber was not wanted; that the higher prices would be sufficient to bring it from Nova Scotia and St. John's without any bounty; but several ships had gone to those parts, and could get no lumber at any price whatever. Therefore, should not assent to that proposition without the others, as it would prove inadequate and delusive.

Mr. *Bayly* observed, that by Lord North's refusing to grant the license for staves and other lumber to be exported from New-York, he thereby denied the whole relief which this bill was meant to give to the West India colonies; for as to granting bounties, they would do very little service, especially as the noble lord had now said they would be but small, and granted for two years only (though we were given to understand at first, that these bounties were to be considerable, and continued for some time, without which indeed it cannot be expected to be of the least use) so that unless the resolution for granting such licenses were admitted, all hopes of benefit from the bill would prove delusive and vain; he therefore left the noble lord to reflect, how this treatment to the West Indies must appear, when it was known that he had added this fresh instance of cruelty to the many other oppressions and distresses which his lordship had already brought upon the unhappy inhabitants of those colonies. And as a farther proof of which, he begged to recall to the memory of the House, the evidence which had been given in the clearest terms by Mr. Ellis and Mr. Walker, [see volume I. page 327] and how ably the fatal consequences had been pointed out to them by that great and good man, Mr. Glover, [see volume I. page 357] whose predictions had hitherto been verified in every instance; nay, matters had even proved worse, for excepting a few West-India gentlemen, who are possessed of very opulent fortunes, and had providentially laid up something here out of their income, the rest were gone back to their ruined estates in the utmost despair; and the destruction it had made amongst our merchants, the Gazette gave us but too melancholy proofs of;

of; besides which, many opulent houses had stopped, tho' their capitals were great and undoubted. Indeed the hardships of the West India colonies, and every one concerned therewith, were too gloomy and numerous to be now related. He said, he had not asked any body to attend this business, nor were there scarce any of the gentlemen who owned West India estates present, well-knowing that it was in vain to expect any thing from the House, but what the noble lord chose to grant; and therefore he must leave it to his determination, who, as he had already gained the merit of having lost North America, might now reap the glory of totally ruining, and by that means losing, the West Indies also. He called upon the noble lord to cite a single instance of protection or assistance that government had afforded the West Indies during this unhappy contest with the Americans, and named the conduct of the captains of men of war (who were meant, and ought to have taken care of the merchant ships) for that of all the convoys from Jamaica, not one of the men of war had yet brought home one ship safe; and that out of the last July fleet, more than one quarter part were taken by the American privateers, owing entirely to the neglect of the men of war. He concluded with saying, that after such impolitic and cruel treatment, the noble lord ought to answer for its consequences, which would be, he feared, that as soon as North America became independent, the West Indies must declare in their favour, or seek the protection of some other power, in hopes of finding that relief which had been so inhumanly denied them by our own government.

Sir Grey Cooper and Mr. Dempster spoke against the resolutions, and Mr. Penant for them.

The House agreed to the third resolution, but disagreed to the others.

May 1.

Mr. Alderman Sawbridge made his annual motion to shorten the duration of Parliaments. No debate. For the question 28, against it 98.

May 2.

No debate. Adjourned to the 5th.

May 5.

Not members sufficient to make a House.

May 6.

Private business.

May 7.

Bills passed by the King.

The speech * of the Speaker of the House of Commons, this day, upon presenting to his Majesty the bill for the better support of his Majesty's household, and of the honour and dignity of the Crown of Great-Britain, which then passed the royal assent.

Most Gracious Sovereign,

The bill, which it is now my duty to present to your Majesty, is intituled, "An act for the better support of his Majesty's household, and of the honour and dignity of the Crown of Great-Britain;" to which your Commons humbly beg your royal assent.

By this bill, Sir, and the respectful circumstances which preceded and accompanied it, your Commons have given the fullest and clearest proof of their zeal and affection for your Majesty. For in a time of public distress, full of difficulty and danger, their constituents labouring under burthens almost too heavy to be borne, your faithful Commons postponed all other business, and, with as much dispatch as the nature of their proceedings would admit, have not only granted to your Majesty a large present supply, but also a very great additional revenue;——great, beyond example; great, beyond your Majesty's highest expence †.

But all this, Sir, they have done, in a well-grounded confidence, that you will apply wisely what they have granted liberally; and feeling, what every good subject must feel with the greatest satisfaction, that under the direction of your Majesty's wisdom, the affluence and grandeur of the Sovereign will reflect dignity and honour upon his people.

When the Speaker returned, it was moved, That the thanks of the House should be given to him, for his speech to his Majesty this day in the House of Peers, and that he be desired to print the same. Agreed to *nem. con.*

May 8.

The order of the day for the House to go into a committee of supply being read, the House went into the committee, and Lord North moved the three following resolutions, which were agreed to, and were ordered to be reported the next day.

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* This is the speech as published by the Speaker.

† Several members, who took notes of this speech, wrote *wants instead of expence.*

That

That 41,820l. be granted to his Serene Highness the Landgrave of Hesse Cassel, to make good expences of foreign hospitals during the late war.

That 32,934l. be granted to his Majesty, to reimburse him for a like sum distributed among his Majesty's subjects in America, for the losses they have sustained since the commencement of the present troubles in that country.

That 1879l. be granted for the support of convicts working upon the river Thames; and,

That 13,060l. be granted to his Majesty, to make good the like sum, issued by his Majesty in pursuance of addresses from this House.

The first and second of these resolutions occasioned a debate in the committee, which continued till seven o'clock, when the question being put on the first resolution, the committee divided, ayes 38, noes 20. The second resolution was agreed without a division.

Colonel *Barré* condemned the conduct of administration in very severe terms, particularly for what he called their public profusion, and the House for its tame acquiescence in every thing proposed by the minister, however scandalous and barefaced. He enumerated the several *douceurs* the German princes had received, in order to induce them into a mercenary bargain for the sale of human blood, to be spilt in a quarrel they had no more eventual interest in, than in that now waging between the Turk and the Sophy of Persia, or the scenes of murder, oppression, and pillage, acting within the Mogul empire. Every request, however unreasonable, was granted; every offer, however absurd, preposterous, and humiliating, was made to those petty princes, to induce them to forward the schemes of a set of men, who were determined to extirpate our subjects on the other side of the Atlantic, or compel them to submit. They had double subsidies, levy-money, ordnance, and staff: they were paid for killed and wounded men, and still their corps were to be recruited to their full complements previous to their return to Hesse and Brunswick, so that they were doubly paid, doubly officered, and were to have double subsidies. Levy-money was even paid for their officers, a circumstance unknown, he believed, in the military annals of mankind. After this warm and pathetic exordium, the Colonel directed his attention more immediately to the question before the committee. He observed, that fourteen years had elapsed since the stale

claim,

claim, now revived, was first made; that a commission was appointed to take the whole of the German demands into consideration, to examine and liquidate them; that after the most full and laborious investigation of the subject, several of the claims, among which the present was one, were totally rejected, neither being properly vouched nor authenticated; and of those that had a colour of justice to support them, the commissioners thought they acted generously by liquidating the demands at eleven-pence in the pound discount; that is, instead of paying the German princes twenty shillings, they gave them just twenty-pence. He observed, that an expression had fallen from him in a former debate (upon the American extraordinaries) which he now begged leave to retract. He said, that House held the public purse. Fool, that he was, for being so deceived; for reflection, derived from an uniform experience of some years past, might have taught him better. He might have long since learned, that whatever sum the minister thinks proper to ask is instantly granted, is voted without hesitation, without account; and is forced down the throats of opposition, even without reason, or a colour of reason.

Mr. *Cornwall* rose to justify the resolution. He said, he was one of the commissioners who were appointed to liquidate the German demands; but denied that the charge for hospitals was totally rejected, or at all rejected. It did not properly come under the cognizance of the board, because it depended upon another account, not at that time made up, that of Mr. Bishop, who was purveyor to the hospitals. So far from the demand being stated, it was kept up from the time it was first incurred, to the present year, in a regular official manner; and when it came before the commissioners, it was neither refused nor reprobated, but was merely postponed, as not being regularly before them. From what appeared then, as well as what he learned since, he was convinced that the claim was a just one, and ought to be paid.

Mr. *Burke* said, he always understood that the German accounts had been settled many years ago; Parliament and the nation, he presumed, understood so too. If he was mistaken, he was mistaken in good company; and all he could say now was, that the commissioners, among whom he might include his honourable friend, had not done their duty. This demand, which, it seems, was known to every one but those who ought to have been thoroughly acquainted with

with it, lay sleeping for upwards of two years, and now came waking to that House, which indeed seemed like the claim, to be slumbering over the interest of the nation. If this demand was paid, the certain consequence would be, its being followed by others beyond number—"The fruitful parent of a hundred more." All Germany will daily teaze with importunities, or stun this House with its after-claps. We shall never be easy, we shall never have done granting, nor they asking, while we have a shilling left to grant. He was very severe on the minister for surprizing the House, and urging a matter of so much consequence when there appeared so thin an attendance. He played a little with Mr. Cornwall's official situation, and observed, that we could never expect to be free from the claims and demands of the German chancery, from the instant this resolution should be agreed to.

Lord *North* allowed, that the account was of a long standing; and wished it had been made earlier. That, he observed, however, was the only objection that could be urged against it; for he was of the same opinion with his honourable friend near him, that the account was clearly and fairly stated, and that the demand was just, and ought, consequently to be paid.

Mr. *T. Townshend* spoke warmly against the motion. He observed, that the German accounts were made up most iniquitously; and that, that able honest man, the late Mr. Grenville, being minister at the time the commission was appointed to inquire into, and to liquidate them, he set his face against them. He instanced one or two particulars of gross imposition, and observed, that although the defalcation made by the commissioners might not be quite so much as that stated by his honourable friend, he was pretty sure that it amounted to full two-thirds, if not more. He instanced one article of 70,000l. being entirely rejected; whether the claim now made was included in that sum, he knew not; but he was certain the whole affair had a very disgraceful appearance.

Sir *Charles Banbury* said, he should certainly give his negative to the resolution; that an account examined, liquidated, and settled, should never again be brought forward, unless new proofs or documents, which could not be obtained or were out of the power of the creditor, accompanied it. Nothing like that was pretended; no new light was spoken of; the only reason assigned by the minister for complying

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ing with the demand was, merely that it was made, and that was all.

A long explanatory conversation now took place between Lord North and Messrs. Barré, Cornwall, Townshend, and Burke; in the course of which, nothing could be drawn from the treasury-bench, but that the honour of the nation, founded on its good faith to all the world, particularly to its allies, rendered a compliance with the present demand indispensably necessary.

Mr. *Burke* denied that the good faith, or national honour, was at all concerned. On the contrary, he thought that they were both so much concerned, as to reject the motion with contempt. If we gave money, we should give it spontaneously, and not be bullied out of it. The Hessians were now maintaining a ministerial war in America. Honour, dignity, even decency was to be sacrificed to this favourite measure. Hesse availed themselves of the glorious golden opportunity, and extorted the sum now demanded; or, he presumed, threatened to withdraw their troops. He laughed at the dignity and honour of the nation, and the good faith observed by it towards its allies; and concluded with predicting, that the King of Prussia would again renew and press his claims relative to the arrears of subsidy due since the late war; and, in his opinion, was much better entitled to be gratified, on every ground of justice, policy, and national good faith, than the Landgrave of Hesse, though he did not mean to consider the justice of his Majesty's claim in any other than a comparative view.

When the second resolution, relative to the American sufferers, was read, Mr. *T. Townshend* observed, that it was the most extraordinary request that ever was made, or he ever heard, to come to Parliament without so much as a single slip of paper to authenticate it. To whom paid, for what purpose, what were the losses, how they were incurred; in short, unaccompanied by a single voucher necessary to support a parliamentary requisition.

Lord *North* confessed that the honourable gentleman was perfectly right. No such request should be made to Parliament unless accompanied with all the circumstances which he had enumerated. All objections must of course fall, when those several requisites were complied with; he had them in his hand; he had a list of the sufferers' names, the nature and amount of their losses, the circumstances which attended *them; in short,* every particular of time, place, and personal identity,

identity, sufficient to satisfy the most sceptical and suspicious. He was ready to produce it to the honourable gentleman, or to any other member to whom curiosity or doubt might render that mode of satisfaction necessary. He did not think proper to lay it before the House, because, some how or other, every paper laid before that House lately, had got into print. Should that be the case in the present case, it would be productive of the worst consequences, and might in some instances prove fatal, should the names of the persons who were by this resolution to share the bounty of Parliament, be made public. Such being the case, he was certain no member in that House would press the matter further than he had already mentioned.

Sir *Grey Cooper* enforced the arguments used by the noble lord who spoke last. He said the rule had been always adhered to on former occasions, particularly since the bad consequences of mentioning persons by name who were the friends of Great Britain, had been proved in such a variety of instances.

Mr. *Burke* said, that a sum of the like amount had been included in the debt contracted on account of the civil list; that the expence incurred under the head of secret service, was enormous; the most of which, he presumed, was expended and directed to the same purposes; so that voting the sum now moved was, in fact, voting so much money for the service of the civil list; for either no part of the gratifications given to the American sufferers ought to have found its way into the civil list expenditure, or it should have all been provided for through that channel.

Lord *North* replied, that the sums were as distinct as the services to which the money was applied. His Majesty might think proper to give some of his own revenue towards alleviating the distresses of his oppressed subjects in America, and yet neither think proper, or find it convenient, to give all; and if the sum moved for had been included in the civil list debt, it could have made no possible difference; it would have only raised that debt so much more, which in point of effect was nothing, as the nation was ultimately to pay, which ever medium it came through.

Mr. *Burke* protested, no man in that House would be farther from wishing to have any man's person or property exposed to the rage of his enemies, than he would; but howsoever necessary it might be to conceal names, he by no means approved of so pernicious a precedent as that of voting the

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public money in a committee of supply, without account.—If the resolution was agreed to, it would appear that such a sum of money had been voted; but to whom, or on what account, would remain as profound a secret to posterity, as it was at present to nineteen out of twenty of the members of that House; in fine, any sum might be granted to any body, upon any account, or upon no account, without a possibility or means of detection, however false, impositious, or fraudulent.

The speaker resumed the chair.

As soon as the first resolution from the committee of supply, for granting the sum therein mentioned, to make good the expences of foreign hospitals during the late war, was read,

Sir *Henry Houghton* rose, and said, no person would be readier to support the good faith of the nation than he, but he could never bring himself to consent to the granting a sum of money, which exactly resembled a foreign tribute, extorted from us on account of the distracted situation of our public affairs. He was certain, that no example of such a requisition was known in the annals of Parliament, that a debt should be demanded at the end of fourteen years, and that at such a critical season, that, he presumed, those who made it imagined that it cannot, nor will not be denied. For his part, however ready he was to give strength and vigour to government, he should do all in his power to disappoint so ungenerous an expectation; and as he spoke, he should most certainly vote against it. He trusted to the indulgence of the House, for troubling it on a subject which, he made no doubt, would be very ably discussed; but he could not remain silent, or help expressing some degree of indignation at an attempt which bore every appearance of endeavouring to impose on the nation, by means the most unprecedented and unjustifiable.

Mr. *Cornwall* said the affair had been totally misunderstood in the committee the preceding day, and that in many respects. The demand was represented as a dormant claim now revived, though suffered to sleep for fourteen years; that it was rejected by the commissioners appointed to inquire into, and liquidate the German demands, during the administration of the late Mr. Grenville; and that, in its present shape, it wanted clearness, and a degree of authenticity, which it ought to have, to entitle it to the notice and attention of that House. He should say a word or two on each of those heads,

heads, and flattered himself, he should be able to give sufficient satisfaction on every one of them. As to the staleness of the demand, the contrary was manifest, for it was included in the gross sum which came before the commissioners, but the commissioners not thinking themselves authorized, for reasons he should hereafter mention, the matter, so far as it concerned them, was postponed, not rejected. Applications were then made through an official channel, where it was answered, that until Mr. Bishop's accounts, who had the superintendancy of all the hospitals, were received, nothing could be done. When those accounts were passed, the foreign hospitals made a part of them. They were accordingly referred to the auditor of the imprest, where being audited and passed, they were referred back to the treasury board. So the affair stood in the year 1773, or 1774, when the last steps were taken in this matter. Other business of greater importance, or accident, prevented any thing more being done, till the treaties with Hesse were entered into; and from that time till the account was fully and ultimately examined and approved of, nothing particular passed on the occasion, but in the usual course of business. The discharging the demand made no part of any public or private stipulation. When the treasury board received that degree of satisfaction, and those regular official documents it always requires, administration for the first time determined to bring the matter into that House. The claim then being neither a stale nor dormant claim, he could with equal justice say, that it was never rejected. The reason why the commissioners declined having any thing to do with it, was this: Mr. Bishop's accounts, in which those of the foreign hospitals were included, not being passed in the official forms required at the time the commissioners appointed to inquire into the German claims sat, it was impossible for them to determine on the affair of foreign hospitals, without directly taking upon them to decide on Mr. Bishop's accounts, which was clearly out of their province; and which, if they had undertaken to do, would be directly invading every usage and custom of office, and of course exceeding the limits of commission, which was to determine German, not British claims. And as to the last objection, that the accounts were neither clear nor properly vouched, if even true, it did not remain to be now discussed. If they were improperly passed by the officers authorized and appointed to see that the demands were fair and well authenticated,

cated, that might be a subject very proper for the House to examine into, as applying to the conduct of the officers for misbehaviour or partiality in the discharge of their duty; but, as against the claim it availed nothing. The demand was made in time; it was regularly examined, and officially passed; and consequently, as between this country and the Landgrave of Hesse, it had every sanction which the law or constitution could give it. For his own part, he did not think that the objection held good even in that light. The accounts appeared to him perfectly clear, and the demand every way equitable and just.

Sir *George Howard* observed, however ingenious the honourable gentleman's arguments might be, or however plausible they might appear, they were nevertheless far from bringing home conviction to his mind. He well remembered, that when he was in Germany, frequent applications were made to him on the subject, but he could never be prevailed upon to give his countenance to what he all along had reason to believe was conducted in a very suspicious, if not fraudulent, manner. He would not pretend to follow the honourable gentleman through his long state of the question, but he recollected having several conversations with Bishop, which, with what he learned himself, were the causes why he entertained the disapprobation he now expressed; nor could he see how the passing of Mr. Bishop's accounts totally precluded the commissioners from entering into any inquiry into the justice of the demand, but by resorting to the true cause, which was, that the claim was really and truly rejected: or that if it had been pressed at the time, it would have been found to be like many others which shared the same fate, unsupported by truth or justice. In every light, therefore, he considered the claim, and from the mode of bringing it forward, he had still more reason to think, it ought not to be complied with.

Mr. *Baldwin* opposed the receiving the report, chiefly on account of the staleness of the demand. He took it up, he said on this single ground. The debt on which the demand was founded, was contracted fifteen or sixteen years ago. A regular demand was made; commissioners were appointed to decide whether it was or was not a just one; the issue of their inquiries was a positive rejection; for the distinction made by the honourable gentleman, was a mere distinction in words, and if the claim could be fairly supported, he had no doubt but the mere forms, had any such impedi-

pediment really stood in the way, would have been readily dispensed with, in order to effect justice; but the claimants knew better, and waited for a season when they might have a better prospect of succeeding. He said, he would for these reasons give the motion his most hearty negative.

Mr. *Booth* said, the people were already so heavily burdened, that the management and expenditure of the public revenue called for the utmost frugality. The present was a claim he could never consent to; and the mode of bringing it forward, so late in the season, and when so many of the representatives of the people were in the country, or absent, not expecting such an after-clap, rendered the affair still more disagreeable.

Sir *Grey Cooper* insisted, that nothing could be more clear than the accounts, nor nothing more satisfactory than the manner in which they were vouched and passed. That whatever reluctance some gentlemen might have to the staleness, there did not a single objection subsist against the justice of the demand; and as for the demand being of so long a standing, when it was considered, from the causes already stated by his honourable friend, that it could not have been otherwise, that objection must share the same fate, as proceeding entirely from necessity.

Mr. *T. Townshend* said, Mr. Bishop's accounts had nothing at all to say to the matter; that part of them which related to the foreign hospitals could have been decided upon by the commissioners appointed to liquidate the German claims, though Mr. Bishop's particular part had never been settled. He was severe on the minister, and contended, that the present sum, if voted, would be in fact an additional subsidy, and lamented those fatal measures which had thus reduced us to the humiliating situation of being dictated to, and bullied, by every petty prince on the German continent, into the most mortifying and disgraceful concessions. This, he said, with numerous others of the same tendency, were the blessed fruits of endeavouring to reduce our subjects in America to a state of the most wretched slavery.

Mr. *Cornwall* said, when the matter first came to his knowledge, he retained some doubts whether it could be entertained, or be properly brought before Parliament; but when, upon further inquiry, he discovered the true state of the transaction, as he had represented it, the noble lord

who moved the resolution in the committee, as well as himself, were of opinion, that the money might have been paid without bringing it into Parliament, or previously procuring its consent, as an out-standing arrear, regularly vouched, audited, and passed.

Mr. *Burke* was extremely jocular on the honourable gentleman who spoke last. The honourable gentleman, says he, first had his doubts, or rather was of opinion that the application should have been rejected; and I think with great justice. His doubts, however, on further inquiry, began to vanish, and at length running from one extreme to the other, his mind suddenly became so enlightened, that he thought, with the noble lord himself, his lordship might pay the demand without even so much as consulting this House, but only inform us he had paid it. This, I confess, is a most extraordinary and unexpected alteration of sentiment. I should be glad to know from the honourable gentleman the ground of his doubts, when they began to vanish, and what it is that at length wrought this mighty change. Did the honourable gentleman's doubts proceed from his opinion that the claim was absolutely rejected by the very commission under which he acted? If they did, what new lights has he since received? I will appeal to himself, if he has a single word of information now, more than he had then. If this be the case, how is it possible to account for this sudden illumination of his mind, but by supposing that he looks forward to the possible consequences of a refusal, and sanctifies the means by the end, that of keeping the Landgrave in good temper. But there is something still more unaccountable in the honourable gentleman's conduct in another particular, than even any thing I have yet mentioned; that is, though he and the noble lord are both perfectly satisfied that the money demanded might be issued officially, as an arrear due to the subjects of the Landgrave, or rather the Landgrave himself; yet out of a kind of deference, or condescension, or modesty, or whatever his and the noble lord's friends may interpret it to be, his lordship, I presume, by the advice, or at least with the approbation of his honourable friend, comes to Parliament. As he first doubted, was afterwards satisfied, and was finally convinced, does the honourable gentleman begin to doubt again? He certainly does, or he must confess himself guilty of great imprudence, and possibly injustice; for suppose the resolution now going to be reported should not be agreed to, though

though the honourable gentleman is convinced that the claim is just, and the money safely issued by the board at which he sits, the claim would be, nevertheless, for ever reprobated, and the claimant unjustly deprived of his demand. He twisted and unfolded this argument of Mr. Cornwall's for a considerable time, giving it various shapes each time, which afforded much entertainment.

Lord *North* made a short reply, in which he principally repeated what he had said before, and which concluded the debate.

At half after seven o'clock the question was put, and the House divided, ayes 50, noes 42; so that the minister was very near being left in a minority, almost every country gentleman in the House having divided against him.

May 9.

Sir *James Lowther* moved, That an humble address be presented to his Majesty, to express the just sense this House entertains of his Majesty's regard for the lasting welfare and happiness of his people; and, as this House cannot omit any opportunity of shewing their zeal and regard for his Majesty's honour, and the prosperity of his family, humbly to beseech his Majesty, that, in consideration of the high rank and dignity of their royal highnesses the Dukes of Gloucester and Cumberland, he would be graciously pleased to make some addition to their annual income, out of the revenues cheerfully granted his Majesty for the expences of civil government, and better supporting the honour and dignity of the Crown; and to assure his Majesty, that this House will enable his Majesty effectually to perform the same, as nothing will more conduce to the strengthening of his Majesty's government, than honourably supporting the dignity of the different branches of the royal family. He began with very warm encomiums on the many public and private virtues of the two princes; and observed, what a disgrace and reproach it was to the nation, to permit their royal highnesses to live in a state much below that maintained by several private gentlemen; a circumstance extremely unbecoming the dignity of personages of their rank and consequence; that nothing could convey a stronger appearance of national disgrace, than to have the first prince of the blood, the Sovereign's next brother, a fugitive, or a kind of pensionary, at Rome, not from any extravagance of his own, but merely from the extreme scan-

tiness of his income, which was known to be inferior to that of several private gentlemen in both kingdoms; nay, he believed inferior to the regular receipts and profits of many persons concerned in trade and commerce. The peculiar hardships and sufferings of the royal brothers became still more exaggerated, and were rendered more irksome and mortifying, when they were contrasted to the enormous sums granted for the support of the dignity and splendour of the Crown, while both were tarnished and disgraced, and the money thus generously given, employed in purposes of corruption, and squandered away on the most worthless, to a degree of profusion, unknown to any civilized state in Europe. The royal Duke, now at Rome for the reason now assigned, is in the line of succession to the Crown, and has had a child born in that capital, and living, who may possibly sit on the throne of these realms. I will allow that such an event is not very probable; but it is sufficient for my purpose to contend, that it may happen: What then would be the consequence? But that you must of course be governed by a prince not only born, but educated at Rome. He said, he flattered himself that he had been uniform in the whole course of his parliamentary conduct; that he liked to speak his sentiments freely and openly; for that truth being his object, he always pursued it to the best of his knowledge. He was liable to error and mistake, but he liked candour and steadiness of conduct so well in others, that he should endeavour to practise it himself. He admired it even in a warm opponent, a person whose political sentiments were known to be so directly opposite to his: the person he meant was the right honourable gentleman on the floor, [Mr. Rigby] who, he observed, since he first knew him, always spoke without reserve, and seldom changed his party or his opinions. He said, he was furnished with a strong argument in support of the present motion, by the very persons who constituted the constant majorities of that House. They must agree with him, because they maintained it in debate, on a former occasion, that the necessaries of life were greatly enhanced in their value; that the prevailing fashion of the times, was to live in an increased state of luxury, elegance and splendour; that such an inevitable increase of expenditure called for a suitable increase of income; that at no time within his memory, nor that of any member then present, was the income of the royal Dukes sufficient to maintain their rank, nor at all adequate to the most moderate

rate and measured economy; and that the parallel held throughout, for if the increase of the civil list revenue was necessary for the splendour and dignity of the Crown, a suitable support for those who were so nearly related to it, formed a part of that very dignity and splendour. None could say that either were maintained, if the King's brothers were doomed to suffer a kind of banishment, in a state of poverty and obscurity, because they were not enabled by the Crown or the nation to live according to their rank in their native country. He finally observed, that the application now made to the throne was by no means unprecedented; that such addresses had been frequent, and succeeded in more instances than one; particularly in respect of the late Prince of Wales, father of his present Majesty, and the two royal brothers, who are the objects of the motion.

Sir *Edward Astley* seconded the motion, observing, that the argument of similarity and relation, so judiciously urged by his honourable friend who made the motion, were unanswerable. The gentlemen on the other side must agree fully to it in all its parts. The expences of living are increased; the means of support must keep pace with it, say those gentlemen. The dignity and splendour of the Crown, from these circumstances, call for such an augmentation. Is not this every thing that the warmest friends of the motion would wish to urge in its support; unless at the same time they will have the hardiness to contend, that the royal Dukes stand in a different predicament from every other person in the kingdom; and hazard still a greater paradox, by saying, that the necessities and the humble unprincely situations of the royal brothers, bear no manner of affinity or relation to the splendour of the Crown, or dignity of the nation?

Sir *John Griffin Griffin*, after objecting to the propriety of the motion, and urging the difficulty of discussing a subject of so delicate a complexion, involving in it the King and his royal brothers, proposed the previous question.

Sir *George Howard* said, it was much more decent to let the King exercise his own discretion, than offer to dictate to him concerning the disposal of what was his own property, as much as that possessed by any member of that House. In another light too, it was more proper to let the King, after he had been for some time in the possession of his newly augmented revenue, judge whether he could with propriety, by accidental savings, increase the incomes of his royal brothers.

On the whole, if the present motion was to have any effect, in his opinion, it would be that of increasing parliamentary grants, and the public burdens, already become enormous.

Governor *Johnstone* supported the motion very warmly. He contended, that there was nothing improper or unseasonable in the motion; that the average expenditure of the Crown, for the last eight years, was full 20,000l. *per annum*, under the civil list revenue; that the minister promised very considerable savings in all the departments; and that, consequently, it was equally fair in argument and fact, to contend, that the motion was both reasonable and seasonable; and as to the propriety of the terms in which it was conceived, they were the same as those made use of by the late celebrated Mr. Pulteney, on a similar occasion.

Mr. *Rigby* opposed the motion in the most strenuous terms. He said, he had as high a respect for the royal Dukes as any individual in that House, but, in his opinion, the motion would, if carried, have a most ludicrous, or rather ridiculous effect; it would be granting a sum of money to his Majesty for his own particular purposes, and in the same breath almost desiring him to apply it to different purposes. It was mere child's play, giving a thing in one instant, and demanding it in the next, in order to bestow it on another. He then turned with vehemence towards the chair, and arraigned the conduct of the Speaker with great acrimony. He said, that though our burdens were heavy, and our expences immense, our situation was grossly misrepresented in a place, and in the presence of those, where nothing but truth should be heard. That the sentiments declared at the bar of the other House to be those of this, were never so much as thought of here; that the Commons of this kingdom knew better; that for one, he totally disclaimed them; and he was certain that a very great majority of that House did so too. He trusted, that before the House rose, it would be proved whether the House thought with the chair, or with him, whose sentiments, he said, were directly contrary to those delivered in the name of that House at the bar of the House of Lords. He then resumed his argument, and observed, that that heroic prince, the late Duke of Cumberland, though his royal father's peculiar favourite, had no more than 15,000l. *per annum*, till after the battle of Culloden, when his income was augmented, for his very eminent public services; not out of the civil list revenue, but immediately by the bounty of Parliament,

liament, who settled an annuity of 25,000l. on him for life. He repaid the compliments paid him by the honourable gentleman who made the motion; and hoped he should always persevere in the same steady line of conduct to the end. Whether he acted right, he was conscious he always intended it. As to the comparative income of the two royal dukes, to that of several lords in this kingdom, he allowed with him that it was considerably less than several. There were many rich lords, and many rich commoners; would the honourable gentleman, for instance, wish that his Majesty should augment the royal dukes' income, so as to be equal to the estate possessed by the honourable gentleman himself? If he would, then most certainly he must allow, that such an augmentation would lay a ground for another application to Parliament from the throne.

Mr. *Fox* said, he thought the motion was right, proper, and seasonable; right, that those who were so nearly allied to the Crown, should have part of the public munificence, intended to promote every thing which might add to its splendour and dignity; proper, because no persons were more competent to judge of the disposal of money than those who granted it; and seasonable, because no time could be better to urge the Crown on such a subject, than when the sense of its own necessities, and the generous conduct of Parliament, might promise to make a favourable and grateful impression. He dwelt a considerable time on the increased price of provisions, and the comparative value of money now, and during even the last reign; and observed, that though this argument was much relied on in support of the augmentation of the civil list revenue, it applied much stronger in the present case, because the increased value of the necessaries and conveniencies of life had a much stronger comparative operation; he believed, in the proportion of full three to one, on an income almost totally directed and expended in those uses, than on a revenue, the greater part of which was issued in round sums, with which neither the splendour, dignity, nor immediate expences of the Crown were at all concerned: this, he instanced in the several heads of salaries, pensions, secret service money, ambassadors, &c. He then stated several general reasons in support of the motion, such as the increase of salary to the judges, the overplus between the real expenditure for the eight last years, and the necessity there was to enable the royal dukes to support their high rank,

both as peers of the first order, and being so nearly allied to the throne. He said, it had been always the policy of this country, to make a suitable provision for the different branches of the royal family; it rendered them independent of ministers; and bound them by interest and sentiment to preserve that constitution under which they enjoyed such pre-eminence and solid advantages. On the other hand, a royal family, in narrow and dependent circumstances, are compelled to look up to the throne for protection and support; and from the very nature of their situation, are liable to become the instruments of the Crown in forging chains for their country. This, he was certain, was at present entirely out of the case; the King was as averse to employing them in effecting purposes so far from his heart, as they would be to comply with them, had he entertained sentiments of a different kind. He concluded by observing, that there were many public and private reasons for wishing to see every branch of the royal family happy and easy in their domestic circumstances.

Mr. *Wilkes* said, he stood up in his place, as an individual, to avow that the bounty of Parliament exceeded, by several thousand pounds, the accounts delivered in; and that he hoped and wished that a proper addition, in consideration of that surplus over what the King's wants were stated to be, might be made to the income of the royal dukes. Full of these sentiments, he should give his voice for, and most heartily concur in the motion.

The previous question was then put, and the House divided, ayes 45, noes 152.

While the majority were waiting in the lobby during the division, silence was enjoined, and Lord North, in an audible voice, gave notice, that other business of consequence was to come on after the division, and, says he, "You are therefore requested not to go home."

As soon as the members returned into the House, the *Speaker* rose in his place, and begged leave to draw the attention and recollection of the House, to what had fallen in the course of the debate from the right honourable gentleman on the floor, [Mr. Rigby]. Previous, however, to his taking any particular notice of the censure that gentleman had passed on his conduct, as Speaker of that House, he begged that his speech at the bar of the House of Lords, the preceding Wednesday, might be first read by the clerk. He then

then appealed to the Journals for the vote of thanks, which followed on his return, to shew that the sentiments which he expressed to His Majesty, when he presented the civil list bill, were the sentiments of the House, and not his own particular sentiments, as had been asserted by the last-mentioned honourable gentleman. While the Speaker was yet on his legs, up rose

Mr. *Rigby*, who adhering to what had fallen from him in the former debate, spoke of the Chair in terms very nearly bordering on disrespect. Insisted that he had a right to animadvert on the Speaker's speech, or on his conduct, within or without that House, if he thought it improper. He was certain the speech now read did not convey his sentiments, whatever it might those of the 281 who voted the augmentation. He had a right to appeal to the chair, and from the chair, and would never be intimidated, or led by any inducement, to forfeit the privileges of a British senator. The Speaker was no more than another member, and he was as free to differ from the chair as from any other individual in that House. He proceeded to great heat, which seemed to make the treasury bench uneasy.

Mr. *Fox* replied to Mr. Rigby, and observed, he had brought the matter to a direct decision; that is, he had rendered it necessary for the Speaker to seek the sense of the House, as the charge was open and direct. The Speaker had either misrepresented the sense of the House, or he had not; and as an individual had disclaimed the sentiments of the Speaker, as far as the same respected himself; and plainly hinted that it was the opinion of a majority present, it was coming to the point at once, and bringing the matter to a fair issue. For his part, he suspected the Speaker did not deliver the sentiments of the majority, though it was plain he did the sense of the House; because he was immediately thanked on his return, *nem. con.* as appeared by the Journals. The question, then, which remained to be decided, was, whether the Speaker had done his duty? the truth, he believed, was, that the court thought he had exceeded it, by their so highly disapproving of the speech. He was resolved, however, to take the sense of the House by motion, which, if negatived, in his opinion the Speaker could not sit longer in that chair with reputation to himself, or be further serviceable in his station, after being publicly deserted, bullied, and disgraced. He then made the following motion, "That the Speaker of this

this House, in his speech to his Majesty at the bar of the House of Peers on Wednesday last, and which was desired by this House, *nem. con.* to be printed, did express with just and proper energy, the zeal of this House for the support of the honour and dignity of the Crown, in circumstances of great public charge."

The *Speaker* assured the House, that he meant to deliver nothing but their sentiments. He thought he was justified in what he said, considering the time, the occasion, and the various concurrent circumstances which combined to stamp what he offered with peculiar propriety. Conceiving, therefore, that he discharged his duty, and that the same had been afterwards publicly approved of, he could not think of remaining in a situation where he could be no longer serviceable, which must be certainly the case, if the present motion should be rejected.

Mr. *De Grey* did not approve of the word *wants*, in the speech. He said, such an expression was disrespectful to the Sovereign; and, in his opinion, the whole speech conveyed a very improper idea to foreign powers in particular, who, presuming on its contents, might be tempted to disturb the public tranquillity.

The *Speaker* replied, that he thought he did not make use of the word *wants*, as it could mean nothing. As to what effect his speech might have in foreign courts, or any other political consequence which might arise from it, he never considered. He wished to express the sense of the House; he imagined he had done so; and he could never think of sitting longer in that chair, than he was in the exercise of his duty.

Mr. *Ellis* said, he presumed the Speaker delivered his own sentiments with great candour and sincerity; and in so doing, in his opinion, acted a very commendable part. But as probably he spoke without notes, and might have dropped a word or expression without any intention, he wished that the motion might be withdrawn, and the affair be thus terminated; for it was pretty evident, that though the Speaker might imagine he was delivering the sentiments of the House, from hurry and inadvertency, it was possible, he might not even have delivered his own. He recommended warmly to the Speaker, and the friends of the motion, that the matter might be ended without bringing it to a question.

The

The *Speaker* said, he understood that great pains had been taken without doors, to represent his speech as not conveying the sense of the House. For his part, if he erred, he did not intentionally; he meant to convey the opinion of the House, and looked upon himself fully justified both in point of fact and precedent. If he misrepresented what he meant faithfully to convey, he trusted the House would excuse him. He knew such addresses to the throne had been frequent; he was sure they were proper. He said, he thought it incumbent on him to let his Majesty know what was the sense of the House, and, in so doing, imagined he was acting in the faithful discharge of the trust committed to him: if the House thought otherwise, he could not, nor would not, remain in that chair.

Mr. *Dunning* said, the dignity of the House was gone, if the chair was permitted to be degraded; that it was plain the blow was ultimately aimed at the House through the chair; and the present was an experiment, made purely with a view to see to what a pitch of humiliation and disgrace the House would bear to be humbled and let down. It was, in fact, an attempt of a court faction, to render the representatives of the people despicable, as well as detestable, in the eyes of their constituents.

Mr. *Attorney General* entered into a kind of dissection of the speech; he insisted, that it neither contained the sentiments of the House, nor was it strictly supported by fact; for, "the ample provision, &c. above his Majesty's greatest wants, &c." did not exceed 14,000l. which was represented in the speech to be a most "ample provision." The great stress laid on the overplus might have been better spared, as it would have been extremely mean, when they were voting the augmentation, to with-hold the difference between the expenditure and the grant. He contended, that the Speaker spoke his own sentiments, not those of the House. He mentioned the word *wants*, and recommended that the affair might go no farther, but that the motion be withdrawn.

Mr. *Fox* spoke in justification of his motion. He said, the right honourable gentleman [Mr. Ellis] had given, what he should call the watch-word; which had been followed by the Attorney General. He observed, that those gentlemen had founded their argument for withdrawing the motion chiefly on the speech not being the sentiments of the House; where-

whereas the contrary was the fact, and the Journals gave evidence of it. But however, if those gentlemen and their friends thought differently, as the framer of the motion, he was ready to come to issue on that point with them, and doubted not but he should prevail. He was satisfied that the House would never consent to their own degradation and disgrace in the person of their Speaker, nor would ever submit to contradict on a Friday, what they approved on the Wednesday immediately preceding. He said, among the many censures, and more numerous insinuations, thrown out against the speech, it was said not to be grammar. He should not enter into nice grammatical distinctions, or trouble himself or the House about a choice of words, or elegancies of expression; but he was sure, if the speech was not grammar, it abounded in good sense, which was of infinitely greater value, and conveyed the true, unbiassed sense of the House, and of every man on either side, till he was bought over to a sacrifice of his principles and conscience.

Mr. *Rigby* still adhered to his former opinion, and justified his conduct on his right to deliver his sentiments freely on every subject arising in that House, or out of it, if it was a matter properly cognizable there; but he disclaimed the least intention of making any personal reflection on the chair; and moved to adjourn.

Governor *Johnstone* observed, that the honourable gentleman who spoke last had somewhat lowered his tone. He thanked the Speaker for his speech, and applauded his firmness, in not accepting of any compromise of any thing short of immediate reparation, notwithstanding the threats and soothings that had been alternately held out and employed to induce him to recede, and by so doing, sacrifice the dignity of that House, and his own honour, to the desires of those who seemed solicitous to treat both with illiberality and contempt. He said, that the speech was not only justifiable in point of fact, but might have gone to greater lengths, without incurring any just grounds for censure. However confident some of the gentlemen who spoke latterly in the debate might be, that this country was in a flourishing and prosperous condition, he begged leave to differ from them; the contrary would, nay, must inevitably be the case, if the American war should continue another campaign. It was, therefore, well said in the speech, that the nation was burdened, and perfectly right as applied personally to the King, to remind his Ma-

Majesty of the true state of this country, and the generous efforts of Parliament to relieve him in such a season, as the most powerful recommendation in future to frugality in the expenditure, and economy in the management of the bounty they were then conferring on him. He contended, that the situation of this country was truly dreadful; that America was lost, he feared, beyond the power of recovery; nay, he might venture to say, was irretrievably lost; and called upon any, the most confident, on the other side of the House, to rise and contradict him.

Lord *Ongley* objected to the speech, chiefly on account of the word *wants*; insisted it was the Speaker's own sentiments; that perhaps he spoke what he felt himself, but he was satisfied not the sentiments of the House. He was totally of a different opinion from the honourable gentleman who spoke last. He was satisfied the nation was great and powerful, and abounded in such resources as would render her a match for all her foreign and domestic enemies, whether in America or Europe; and that her situation was such in every respect, as to forbid her to make any concession in America or Europe unbecoming her dignity, or short of her constitutional supreme rights over all the dominions of the British Crown.

Sir *George Savile* said, he must condemn in the severest terms the indecent and unparliamentary language which he had heard for the first time, since his entrance into Parliament. He was witty on the logic employed by the opposers of the motion, who argued through the whole course of the evening, that the speech was not the sense of the House, because the House had the very day it was spoken declared their most warm and hearty approbation of it. This might be a ministerial way of drawing conclusions; perhaps experience had long since taught them, that the sense of the House, as declared by a majority, was not its genuine sense; but the very contrary of what it would have been, were the members who composed it at liberty to give their suffrages according to their judgment and consciences, and not to their interest.

Mr. Alderman *Sawbridge* observed, that some of the leading members on the other side wished to have the matter smuggled; but if that should be the case, and the question for adjournment should be carried, he did not see how the Speaker could occupy that chair a moment longer with propriety or reputation. He said, that the honourable gentleman

man near him on the floor [Mr. Fox] was perfectly right in observing, that the speech contained the sentiments of the whole House, if the individuals who composed it had not been bought over to adopt those of other people. He was satisfied that this was not only a general truth, but was supported by particular facts. He was certain that many attempts had been made to bring over gentlemen of parts on his side of the House, and to cause a defection among them from the true interests of their country. It might be easily imagined from what he said, that he did not mean himself, for he was not worth gaining. As to the others, though it had been the fashion to brand all opposition with factious and interested motives, he presumed, a stronger instance of the contrary could not be given, than that they withstood every offer that had been made. It was their integrity that kept them on that side of the House, not any desire of thwarting or embarrassing government, merely for the pleasure of doing so. The idea was preposterous, and though it happened to be the case in some instances, where, he was sorry to say, the persons tampered with, had not the resolution to withstand the temptations, but had fallen; that circumstance, in his opinion, reflected the higher honour on those who remained behind firm and incorruptible.

Sir *George Yonge* said, if the motion of adjournment was carried, it would not be safe for the Speaker to remain an instant longer in his present situation; that he would on all future occasions lie at the mercy of his enemies, and be liable to disgrace whenever he performed his duty, if the faithful discharge of it happened to contradict the opinions of those who were able to command a majority in that House. The effect of an adjournment would be a negative on the motion of approbation, and would virtually charge the chair with delivering a falsehood at the bar of the other House, and of course imparting his own sentiments as the genuine sentiments of the body he was supposed to faithfully represent; which, in fact, if true, was an offence of a very heinous nature. He therefore trusted, that the Speaker would not recede, but would persevere with a spirit and firmness suitable to the important seat he occupied.

Mr. *Solicitor General* [Mr. Wedderburne] said, he wished the affair might be suffered to pass off without taking the sense of the House upon it.

Mr. *Rigby* said, if it was the sense of the House, he was ready to consent that the motion of adjournment should be with-

withdrawn. He had no intention of driving the Speaker from the chair; nor, if he were ever so desirous so to do, was he of power or consequence to effect it. He maintained the right of private opinion, and freedom of speech; he meant no more from the beginning; and, as a member of that House, in so doing, he presumed, he had not exceeded his duty.

The motion of adjournment was withdrawn, and the question being put on Mr. Fox's motion, it was carried without a division, almost unanimously.

As soon as the motion was carried, Mr. Serjeant Adair moved, and it was ordered, "That the thanks of this House be returned to Mr. Speaker for his said Speech to his Majesty," which was likewise agreed to.

Adjourned to the 12th.

May 12.

No debate.

May 13.

The House in a committee on a bill for the better securing and preserving the dock-yards, magazines, ships, vessels, stores, warehouses, goods, and merchandizes, being the property of private persons within this kingdom.

Sir *Charles Bunbury* moved to fill up the blank with the words *benefit of clergy*.

Mr. *Combe*. Whoever reads your statute-book, and sees how many crimes are punished with death, which are much less heinous than burning of ships, I am surprized any gentleman should think it not high time to put to death such dangerous and wicked incendiaries. It is true, John the Painter was hanged for burning Portsmouth dock, because there is an act of Parliament that makes it death to burn royal docks; but there is no act of Parliament to hang men for burning merchant ships or warehouses: and if John the Painter had burnt all the ships and warehouses in Bristol, he would not have been hanged. And I think the example of death full as proper in one case as in the other.

Right Hon. Sir *William Meredith*. I agree with my honourable friend, that no greater crime can be committed than the wilful setting fire to merchant ships, which may endanger not only lives and properties, but public safety. I should think this crime, above all others, fit to be punished with death, if I could suppose the infliction of death at all useful in the prevention of crimes.

But,

But, in subjects of this nature, we are to consider not what the individual is, nor what he may have done: we are to consider only what is right for public example, and private safety.

Whether hanging ever did, or can, answer any good purpose, I doubt: but the cruel exhibition of every execution-day, is a proof that hanging carries no terror with it. And I am confident, that every new sanguinary law operates as an encouragement to commit capital offences; for it is not the mode, but the certainty of punishment, that creates terror. What men know they must endure, they fear; what they think they can escape, they despise. The multiplicity of our hanging laws has produced these two things: frequency of condemnation, and frequent pardons. As hope is the first and greatest spring of action, if it was so, that out of twenty convicts one only was to be pardoned, the thief would say, "Why may not I be that one?" But since, as our laws are actually administered, not one in twenty is executed, the thief acts on the chance of twenty to one in his favour; he acts on a fair and reasonable presumption of indemnity; and I verily believe, that the confident hope of indemnity is the cause of nineteen in twenty robberies that are committed.

But, if we look to the executions themselves, what example do they give? The thief dies either hardened or penitent. We are not to consider such reflections as occur to reasonable and good men, but such impressions as are made on the thoughtless, the desperate, and the wicked. These men look on the hardened villain with envy and admiration. All that animation and contempt of death with which heroes and martyrs inspire good men in a good cause, the abandoned villain feels in seeing a desperado like himself meet death with intrepidity. The penitent thief, on the other hand, often makes the sober villain think this way: himself oppressed with poverty and want, he sees a man die with that penitence which promises pardon for his sins here, and happiness hereafter; straight he thinks, that by robbery, forgery, or murder, he can relieve all his wants; and if he be brought to justice, the punishment will be short and trifling, and the reward eternal.

Even in crimes which are seldom or never pardoned, death is no prevention. House-breakers, forgers, and coiners, are sure so be hanged; yet house-breaking, forgery, and coining, are the very crimes which are oftenest committed.

Strange

Strange it is, that in the case of blood, of which we ought to be most tender, we should still go against reason and against experience, to make unavailing slaughter of our fellow-creatures. A recent event has proved, that policy will do what blood cannot do. I mean the late regulation of the coinage. Thirty years together men were continually hanged for coining, still it went on, but on the new regulation of the gold coin, ceased. This event proves these two things: the efficacy of police, and the inefficacy of hanging. But, is it not very extraordinary, that since the regulation of the gold coin, an act has passed, making it treason to coin silver. But has it stopped the coining of silver? On the contrary, do not you hear of it more than ever? It seems as if the law and the crime bore the same date. I do not know what the honourable member thinks who brought in the bill; but perhaps some feelings may come across his own mind, when he sees how many lives he is taking away for no purpose. Had it been fairly stated, and specifically pointed out, what the mischief of coining silver in the utmost extent, is, that hanging bill might not have been so readily adopted; under the name of treason it found an easy passage. I indeed have always understood treason to be nothing less than some act or conspiracy against the life or honour of the King, and the safety of the state; but what the King or state can suffer by my taking now and then a bad sixpence or a bad shilling, I cannot imagine. By this nick-name of treason, however, there lies at this moment in Newgate, under sentence to be burnt alive, a girl just turned of fourteen; at her master's bidding she hid some white-washed farthings behind her stays, on which the jury found her guilty as an accomplice with her master in the treason. The master was hanged last Wednesday; and the faggots all lay ready, no reprieve came till just as the cart was setting out, and the girl would have been burnt alive on the same day, had it not been for the humane but casual interference of Lord Weymouth. Good God! Sir, are we taught to execrate the fires of Smithfield, and are we lighting them now to burn a poor harmless child for hiding a white-washed farthing! And yet, this barbarous sentence, which ought to make men shudder at the thought of shedding blood for such trivial causes, is brought as a reason for more hanging and burning. It was recommended to me not many days ago, to bring in a bill to make it treason to coin copper as well as gold and silver. Yet, in the formation of these sanguinary laws, humanity,

religion, and policy, are thrown out of the question. This one wise argument is always sufficient: If you hang for one fault, why not for another? if for stealing a sheep, why not a cow or a horse? if for a shilling, why not for a handkerchief that is worth eighteen-pence, and so on? We therefore ought to oppose the increase of these new laws; the more, because every fresh one begets twenty others.

When a member of Parliament brings in a new hanging law, he begins with mentioning some injury that may be done to private property, for which a man is not yet liable to be hanged, and then proposes the gallows as the specific infallible means of cure and prevention; but the bill in its progress often makes crimes capital, that scarce deserve whipping. For instance, the shop-lifting act was to prevent bankers' and silver-smiths', and other shops, where there are commonly goods of great value, from being robbed; but it goes so far, as to make it death to lift any thing off a counter with an intent to steal. Under this act, one Mary Jones was executed, whose case I shall just mention: it was at the time when press-warrants were issued on the alarm about Falkland Islands. The woman's husband was pressed, their goods seized for some debts of his, and she, with two small children, turned into the streets a-begging. 'Tis a circumstance not to be forgotten, that she was very young, (under nineteen) and most remarkably handsome. She went to a linen-draper's shop, took some coarse linen off the counter, and slipped it under her cloak; the shopman saw her, and she laid it down: for this she was hanged. Her defence was (I have the trial in my pocket), "That she had lived in credit, and wanted for nothing, till a press-gang came and stole her husband from her; but, since then, she had no bed to lie on; nothing to give her children to eat; and they were almost naked; and perhaps she might have done something wrong, for she hardly knew what she did." The parish-officers testified the truth of this story; but, it seems, there had been a good deal of shop-lifting about Ludgate; an example was thought necessary, and this woman was hanged for the comfort and satisfaction of some shopkeepers in Ludgate-street. When brought to receive sentence, she behaved in such a frantic manner, as proved her mind to be in a distracted and desponding state; and the child was sucking at her breast when she set out for Tyburn.

Let us reflect a little on this woman's fate. The poet says,

"An honest man's the noblest work of God."

He

He might have said with equal truth, that

A beauteous woman's the noblest work of God.

But for what cause was God's creation robbed of this its noblest work? It was for no injury; but for a mere attempt to clothe two naked children by unlawful means. Compare this, with what the state did, and with what the law did. The state bereaved the woman of her husband, and the children of a father, who was all their support; the law deprived the woman of her life, and the children of their remaining parent, exposing them to every danger, insult, and merciless treatment, that destitute and helpless orphans suffer. Take all the circumstances together, I do not believe that a fouler murder was ever committed against law, than the murder of this woman by law. Some who hear me, are perhaps blaming the judges, the jury, and the hangman; but neither judge, jury, nor hangman, are to blame: they are but ministerial agents; the true hangman is the member of Parliament; he who frames the bloody law is answerable for all the blood that is shed under it. But there is a further consideration still. Dying as these unhappy wretches often do, who knows what their future lot may be! Perhaps, my honourable friend who moves this bill, has not yet considered himself in the light of an executioner; no man has more humanity, no man a stronger sense of religion than himself; and I verily believe, that at this moment he wishes as little success to his hanging law as I do. His nature must recoil at making himself the cause, not only of shedding the blood, but perhaps destroying the soul of his fellow-creature.

But the wretches who die are not the only sufferers; there are more and greater objects of compassion still: I mean the surviving relations and friends. Who knows how many innocent children we may be dooming to ignominy and wretchedness? Who knows how many widows' hearts we may break with grief, how many grey hairs of parents we may bring with sorrow to the grave?

The Mosaic law ordained, that for a sheep or an ox, four and five fold should be restored; and for robbing a house, double; that is, one fold for reparation, the rest for example; and the forfeiture was greater, as the property was more exposed. If the thief came by night, it was lawful to kill him; but, if he came by day, he was only to make restitution; and if he had nothing, he was to be sold for his theft. This is all that God required in felonies; nor can I find in history any sample of such laws as ours, except a code

that was framed at Athens by Draco. He made every offence capital, upon this modern way of reasoning, "That petty crimes deserved death, and he knew nothing worse for the greatest." His laws, it was said, were written not with ink, but with blood; but they were of short duration, being all repealed by Solon, except one for murder.

An attempt was made some years ago by my hon. friend Sir Charles Bunbury, to repeal some of the most absurd and cruel of our capital laws. The bill passed this House, but was rejected by the Lords, for this reason, "It was an innovation, they said, and subversion of law." The very reverse is truth. These hanging laws are themselves innovations. No less than three and thirty of them passed during the last reign. I believe, I myself was the first person who checked the progress of them. When the great Alfred came to the throne, he found the kingdom over-run with robbers; but the silly expedient of hanging never came into his head: he instituted a police, which was, to make every township answerable for the felonies committed in it. Thus property became the guardian of property; and all robbery was so effectually stopped, that (the historians tell us) in a very short time a man might travel through the kingdom unarmed with his purse in his hand.

Treason, murder, rape, and burning a dwelling-house, were all the crimes that were liable to be punished with death by our good old common law. And such was the tenderness, such the reluctance to shed blood, that if recompense could possibly be made, life was not to be touched. Treason being against the King, the remission of that crime was in the Crown. In case of murder itself, if compensation could be made, the next of kin might discharge the prosecution, which, if once discharged, could never be revived. If a ravisher could make the injured woman satisfaction, the law had no power over him; she might marry the man under the gallows, if she pleased, and take him from the jaws of death to the lips of matrimony. But so fatally are we deviated from the benignity of our ancient laws, that there is now under sentence of death an unfortunate clergyman, who made satisfaction for the injury he attempted; the satisfaction was accepted; and yet the acceptance of the satisfaction and the prosecution bear the same date.

There does not occur to my thoughts a proposition more abhorrent from nature, and from reason, than that in a matter of property, when restitution is made, blood should still be

be required. But in regard to our whole system of criminal law, and much more to our habits of thinking and reasoning upon it, there is a sentence of the great Roman orator, which I wish those who hear me to remark; exhorting the senate to put a stop to executions, he says, "*Nolite, quirites, hanc sævitiam diutius pati, quæ non modo tot cives atrocissimè sustulit, sed humanitatem ipsam ademit consuetudine incommoderum.*"

Having said so much on the general principles of our criminal laws, I have only a short word or two to add, on the two propositions now before us. One, as moved by the honourable gentleman [Mr. Combe] to hang persons that wilfully set fire to ships; the other, moved as an amendment by my honourable friend [Sir Charles Bunbury] is to send such offenders to work seven years on the Thames.

The question arises from the alarming events of the late fires at Portsmouth and Bristol: for which the incendiary is put to death. But, will an act of Parliament prevent such men as John the Painter from coming into the world, or controul them when they are in it? You might as well bring in a bill to prevent the appearance, or regulate the motions, of a comet. John the Painter was so far from fearing death, that he courted it: was so far from concealing his act, that he told full as much as was true, to his own conviction. When once a villain turns enthusiast, he is above all law. Punishment is his reward, and death his glory. But, though this law will be useless against villains, it is dangerous, and may be fatal to many an innocent person. There is not an honest industrious carpenter or sailor, who may not be endangered in the course of his daily labour; they are constantly using fire and combustible matter about shipping, tarring and pitching, and caulking; accidents are continually happening: and who knows how many of those accidents may be attributed to design? Indeed, the act says, the firing must be done *wilfully and maliciously*; but judges and juries do not always distinguish right between the fact and the intention. It is the province of a jury only to try the fact by the intention; but they are too apt to judge of the intention by the fact. Justices of peace, however, are not famed for accurate and nice distinctions; and all the horrors of an ignominious death would be too much to threaten every honest shipwright with, for what may happen in the necessary work of his calling.

But, as I think punishment necessary for so heinous an offence, and, as the end of all punishment is example; of the two modes of punishment, I shall prefer that which is most profitable in point of example. Allowing then, the punishment of death its utmost force, it is only short and momentary; that of labour permanent; and so much example is gained in him who is reserved for labour, more than in him who is put to death, as there are hours in the life of the one, beyond the short moment of the other's death.

Mr. Dundas, (lord advocate) spoke against the motion.

The question was put; for the words 10, against them 39; but these not making a House, the Speaker was fetched from his room.

The bill was ordered to be reported, but it was dropped.

May 14.

Lord *North* rose, and went through the wide circuit of the finances, and took a transient view of the general posture of public affairs in his progress. His lordship observed, that the expences of the American war were great, but they were necessary, and would of course require a suitable provision. The arts of designing men had wrought upon our subjects in that country, to throw off her obedience and constitutional dependency on this, and to resist our lawful authority, by an appeal to arms. Government had taken every step which was likely to recall the colonists to a proper sense of the duty they owed to the mother-country. Lenient measures had, however, an effect very different from what might reasonably be expected; our moderation only increased their insolence; our tenderness their disobedience; and what arose from sentiments the most indulgent and affectionate on our part, was interpreted to spring from motives which never existed. Our moderation was looked upon to have proceeded from timidity, and our reluctance to coercion to an inability to support our just authority. He should forbear, he said, to recall to the memory of the House, the several transactions which took place from the commencement of the present disputes, till the Congress avowed those sentiments America had all along entertained, and had publicly declared those objects she had in view from the beginning. The avowal of independence cleared up what had hitherto been deeply involved in doubt and obscurity; and that in such a manner, and accompanied with such striking circumstances, as to afford reasonable expectations, that from that instant there would but two descriptions

scriptions of men exist in this country; namely, such as would be for exerting the whole power and strength of this country in support of its legislative authority, and such, as looking upon the task attended with great expence and difficulty, might think it better to withdraw our care and protection entirely. These expectations, however rational, did not turn out as might be expected; for the very persons who think America of the utmost importance to the opulence, strength, and national dignity of Great Britain, nevertheless contend, that the surest means of recovering it, is to abandon and desert our rights by way of ensuring them. He mentioned this circumstance merely to point out what absurdities men may be led into, who prefer partial considerations to the general good of the whole. The other description of men, who might think the recovery of America not worth the toil, trouble, and expence, were so inconsiderable in point of number, that he mentioned them merely for form sake; so that he might, stating the exception of the two descriptions just mentioned, justly affirm, that there was a very great majority of the nation at large, as well without as within that House, who were upon every ground of right, justice, expediency, and sound policy, for prosecuting the war against our rebellious subjects in America, till they should submit to, and acknowledge the legislative supremacy of Parliament, or be compelled to it. His lordship then observed, that from a variety of concurrent circumstances, nothing decisive had been attempted till late in the course of the last summer, when, considering that the time for carrying on military operations had been far advanced, our arms effected as much as the most sanguine expectations could have formed. So matters stood at the close of the campaign. We had now every reason to expect, that the present would effectually put an end to the distracted state of that country, by compelling the obstinate to a due submission to the laws, and by affording a protection to those, who, from compulsion, had been forced into measures they secretly abhorred. The expences of this just and necessary war were, he allowed, great, and the burdens consequent of such measures heavy; however, the propriety of them being acknowledged by a very great majority of persons within and without doors, it remained with government only to provide for those expences in such a manner, as to throw the weight as much as possible upon the opulent; or, in other words, to tax property instead of labour. In a commercial and manufacturing country, cus-

toms, excises, or taxes, which fall, or eventually affect the merchant or manufacturer, ought to be avoided; so ought all taxes of any kind, which are felt by the lower part of the community, either as raising the price of raw materials, or falling heavy upon articles of daily and necessary consumption. This could not always be the case, particularly in great operations of finance; because, when large sums are to be raised, they require suitable provisions, and must reach the body of the people, who are the great consumers; but in instances where the sums wanted will admit of it, the objects of taxation should ever be property and the luxuries of life. The taxes, therefore, which he meant to propose to the House, were to be laid strictly conformable to the system of taxation he had now explained. They would be productive taxes; they would fall on property, where that object was in contemplation; or upon what was generally understood to bear a direct relation to the luxuries of life.

His lordship then proceeded to state the different items granted in the committee of supply, under the respective heads of expenditure. He said, the expence of maintaining seamen, including 45,000 marines, was 2,340,000l. ordinary of navy, 400,805l. buildings, 465,500l. Greenwich hospital, 4000l. navy bills paid off, 1,000,000l. in all 4,210,305l. Army in America, &c. 648,009l. staff in Great Britain, 11,470l. Hanoverians in Gibraltar, &c. 56,974l. Hanau troops, 18,000l. ditto Waldeck, 17,000l. ditto Brunswick, 93,000l. Hessians, 336,000l. provisions for foreign troops, 41,000l. deficiencies ditto, 7000l. artillery ditto, 48,000l. Chelsea hospital, 105,000l. half-pay to reduced officers, 93,000l. horse-guards reduced, 1000l. American extraordinaries, 1,200,000l. Hessian chasseurs, 36,000l. Hanau ditto, 16,000l. Anspach troops, 39,000l. deficiency, Hessian chasseurs, 3000l. total expence of army, 3,773,000l. Ordnance, 320,000l. extra ditto, 272,000l. in all 592,000l. Miscellaneous services, Scotch roads and bridges, 7000l. civil establishment in America and Africa, 27,000l. American surveys, 3000l. German hospitals, 41,000l. sufferers in America, 33,000l. convicts on Thames, 1800l. Commons addresses, 13,000l. expences advanced for inquiries relative to the state of the poor throughout England and Wales, 500l. in all, 144,000l. Exchequer bills discharged, 1,500,000l. vote of credit discharged, 100,000l. civil list arrears, 618,000l. prizes to be paid in lottery, 500,000l. grants

1776.

1776, 61,000l. three and a half per cent. 1758, 44,000l. land, 250,000l. malt, 200,000l. in all 558,600l. Total of supplies, including 56,990l. excess of ways and means, 12,592,000l. Before he proceeded to state the sum he intended to fund, he observed, that a tax upon servants was often strongly recommended, as those who kept them were always presumed to be opulent, and proper objects of taxation; that the operation of the tax would have a double effect; respecting those in the high classes of life, it would be taxing a luxury, and one too of the first magnitude; and as to the middling people of all descriptions, it could not be very severely felt. It was designed to be a tax upon male servants. With such as kept two male servants, and all who kept a greater number, it might most certainly be deemed a luxury, which rose in proportion to the number. Some kept thirty or more male servants. Every one would readily agree, that men of that description might well afford to pay a guinea each. Descend downwards to the person who kept but two, the principle held good. If the tax should press hard upon any person of that description, all he had to do was to keep but one. There was but one plausible objection to the tax; and it was, that it would press hard upon great numbers of people who kept but one, and did not keep a second; persons who possessed but scanty incomes, &c. Even in that case, he doubted much whether the tax would be much felt. Few indeed kept a male servant who would have just reason to complain; there might be some exceptions; but it was impossible for the mind of man to frame a general tax, that would not fall seemingly heavy upon some individuals. Besides, as the tax was expected to produce a large sum, and was taken in the ways and means accordingly, it would be very improper to make such exception, on purpose to relieve persons of that description from the tax; because it might, in fact, exonerate a very great number of persons that were well able to pay. For instance, those who kept but one servant would not only avoid the tax, but he that kept two, to avail himself of the exemption, might discharge one; and thus a very great number, much the greater who were to contribute to the tax, would be totally exempted. For these reasons, he would propose it to be a general tax; because it was intended to be productive, which it never could, if those who were to contribute so largely to it were to be exempted, in order to free a few individuals, who might not be proper objects of a tax, intended to be laid on luxury. Computing, there-

therefore, that there were about 100,000 male servants in this country, that would be liable to pay the tax at one guinea per annum, he should take it, at that computation, which would produce 105,000l. He observed, that it was only designed to tax servants retained for luxury, not those employed in trade, manufactures, commerce, &c. because they by no means came within the principles of the law, which was to tax the luxuries of life.

The next tax he proposed to lay, was an additional duty on all deeds and paper writings sealed. The shilling stamp laid on the 7th of George the Second, produced 32,000l. the tax laid on the last year produced rather more; an additional tax, therefore, of eighteen-pence would produce about 48, but he should take it at 45,000l. This was evidently a tax upon property, and came directly within his intention. He meant to extend it to certain transfers of property in the northern part of the kingdom, to surrenders of copyhold estates in England, which, at a very low computation, would produce 10,000l. per annum; so that the whole of the stamp duties would amount to 55,000l. He estimated those duties very low, for though there was an additional shilling laid upon deeds the preceding session, they produced an increasing revenue.

The duties laid on the materials used in the making of glass on importation, he observed, was a very impolitic one, because it tended to encourage the foreign manufacture, and discourage our own. He should, therefore, move to have the duty upon importation repealed, to have additional duties, nearly equal to a prohibition, laid upon wrought or manufactured glass imported; which would, at least as far as the home consumption was concerned, give us the whole of the manufacture. It must be by the way of an excise; it was unavoidable; but when the smallness of the duty was considered, and the great advantages balanced against it, he trusted it would be found every way acceptable and beneficial. To effect this, he proposed to repeal the duties laid on by the 19th of the late King, on all materials or metals imported, and used in the making of glass; and to ensure the monopoly, to lay a duty of sixteen-pence per pound on all enamelled, stained, and paste glass, window glass, and glass cakes; and four shillings per dozen on all bottles imported. This, he said, would of necessity keep the whole glass manufactory within the kingdom. It would answer two ways, to effect the same end. It would lower the materials, and totally

tally prevent the native manufacturer to be undersold. In consideration of this very great encouragement to enable the manufacturer to pay the tax, he would propose to lay the following excises; that is to say, seven shillings per hundred on all spread glass; fourteen shillings on all other window glass; three shillings and sixpence per cwt. upon all materials prepared and used in the making of common bottles, not being vials, or intended to hold chemical preparations, garden glass, and other vials, made of common bottles. This tax, he computed, would bring in about 45,000l.

He observed, that the last tax he had in contemplation, was a tax upon another species of property, upon estates, houses, and goods, sold by auction. The tax was intended to answer more purposes than those of mere finance. Auctions were multiplied of late years, in all parts of the kingdom, to that excess, as to be very mischievous to every fair trader; and in many cases were attended with circumstances of gross fraud and imposition. But even where they were accompanied with no such circumstances, they were fair objects of taxation, and were already taxed in Holland, the country in Europe where the public burdens were most judiciously laid on. If the manner of paying a tax had any thing to recommend it, the present would; for it would at all times be paid with facility, from the produce of the sale, without putting the person who was to pay it to any difficulty. He believed it would be a very productive tax, but he should take it at 37,000l. much under, rather than over, the mark, which had been his aim in every one of them. As auctioneering was become so extremely profitable a business, and from which such large incomes were drawn, and fortunes made, he thought the auctioneers themselves were very proper objects of taxation; taking that circumstance into consideration, he should lay the tax accordingly. He proposed, therefore, to lay a tax of twenty shillings upon every auctioneer in the cities of London and Westminster, and within the bills of mortality, and five shillings upon every other auctioneer in Great Britain. This tax would have another beneficial effect, as it would ascertain their number, and places of abode, and of course render the collection of the tax much more easy and certain. The sum of threepence in the pound for every twenty shillings assigned by sales by auction, of any interest in possession, or reversion, in any freehold, copyhold, leasehold tenements or holdings; and of any utensils of husbandry, farming stock, ships, and vessels; and of any rever-

versionary in the public funds. And the sum of sixpence for every twenty shillings arising by sale of all furniture, fixtures, plate, pictures, jewels, books, horses, and carriages; and all other goods and chattels whatever.

His lordship having gone through the supplies, and his account of the proposed taxes, then proceeded to state the ways and means; to point out the deficiency; and to specify it, as the sum meant to be funded. He informed the committee, that the land-tax, at four shillings in the pound, was 2,000,000l. malt 750,000l. surplus of sinking fund, January 5th, 295,000l. ditto, 5th of April, 760,000l. growing produce of the sinking fund, 1,939,000l. duties on rice, &c. 400l. American revenues 1000l. gum Senega duty 1000l. from lord Holland's executors, 200,000l. and new exchequer bills 150,000l. which amounted in the whole to 7,452,000l. This then, his lordship observed, would leave a balance, including the excess of grants, of 5,500,000l. so as to balance the supplies, which he stated before, were 12,952,000l. 5,000,000l. of this deficiency he proposed to fund, and raise the other 500,000l. by a lottery of fifty thousand tickets, at 10l. each; the prizes to be made payable at the bank, without deduction in money: the five millions were to be funded at an annuity of four per cent. The low price of stocks, he observed, at present, would not admit of these annuities bringing their full value; that is, for every annuity of four per cent. granted, 100l. subscription. The public must, in all money transactions, conform themselves to the market; and the prices which govern the market at present being about 80l. for three per cents. four per cents. would not bring at most above 95l. consequently there would be a deficiency of five per cent. or loss to the public. This was unavoidable from the state of the stocks; it was therefore the business of Parliament to make the best bargain they could for the public; at the same time taking care that the terms should be such, as would invite the annuitants to subscribe: because, how well soever monied men, from their confidence in government, or the justice of the national cause we are engaged in, might be inclined to support it, it could be hardly expected, unless in imminent danger indeed, which was by no means the case at present, that they would part with their money without some prospect of immediate advantage. Besides, should the bargain be hard, and the profit uncertain or precarious, it could not in the nature of *things be expected*, that the subscription would fill so fast as

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where the advantage was probable, or almost certain; on the contrary, it might fill slowly; and if in the mean time the stocks should fall, or the subscription hang, because the bargain was no object of gain, it might not only operate for the present, but throw difficulties in the way of raising money next year, when, perhaps, we should be obliged to pay a double, or treble premium. For these reasons, he was willing to steer a middle course; because he was sure it was the best at the long run. He proposed to make up the five per cent. deficiency, being the difference between the market price of four per cents. and the annuity, by a premium of one-half per cent. for ten years, which was worth 4l. 1s. and computing the lottery ticket which was to be given as an additional premium of 3l. it would raise the whole of the premium to 7l. 1s. which made the subscription worth 102l. 1s. or 2l. 1s. profit to the subscriber. Taking then, the transaction in its true light, the public would be nineteen shillings gainer; because, it received a hundred pounds for what at market, in private hands, was intrinsically worth no more than 99l. 4s.

After drawing breath some time, his lordship seeming to be greatly fatigued, he proceeded to observe, that the interest or annuity of four per cent. on five millions, was exactly 200,000l. and the one-half per cent. premium was 25,000l. which together amounted to 225,000l. The new taxes were taken for 242,000l. which, after deducting 4000l. average produce of duty on plate to be repealed, would leave the new taxes at 238,000l. or a surplus of 13,000l. to be transferred to the uses of the sinking-fund. He hoped the taxes would produce considerably more, as he had under-rated some of them, particularly the auction and servants' tax were stated considerably short of their probable amount.

As to the state of the nation, either in respect of the war in America, or the disposition of the House of Bourbon, he was rather loose and general, than pointed or explicit. He said, we continued to receive very friendly assurances from the court of France, and that no preparations were going on in Spain sufficient to alarm us, either on our own account, or that of our allies. He remarked in particular, that France had begun to disarm; and as a still stronger proof that the most Christian King meant nothing hostile, the Newfoundland fleet had sailed without a convoy, or even that sort of protection, which is given in times of the most profound tranquillity; and a recent proof he had received that morning of the very friendly and pacific disposition of the court of Versailles,

sailles, put it beyond doubt; which was, that the pirate who had made prize of the Harwich packet, was in confinement at Dunkirk by order of that court; a circumstance too strong to require any collateral information to support his former assertion, that we had nothing to apprehend from that quarter, which was likely to interrupt us from prosecuting our intentions of reducing our rebellious colonies to a state of constitutional obedience.

Mr. *Fox* observed, the great object of the war was a revenue to be drawn from America. Experience had now convinced all men of common sense, let the present campaign be ever so prosperous in point of victory or negotiation, that no revenue now, nor hereafter, was to be drawn, or even so much as expected, from America. The idea was scouted by his lordship's warmest friends; yet the noble lord, to amuse the country gentlemen, talks of relief from that quarter. Our burthens are to be shifted on the shoulders of our American brethren. He doubted much whether the noble lord had ever any such serious expectation. He might have an immediate interest in affecting to think so; but whatever might be his motives then, he was certain the noble lord would not roundly assert, or affirm, that he seriously expected America would ever afford any other revenue to Great Britain, but what might be derived from her trade in amity, even in the event of a successful war, or an amicable negotiation. He appealed to his lordship, if the tea tax was not the cause of the present war? Was it consistent with common sense, that America, with a powerful fleet and army, would enter into a negotiation to pay a tax which they had spent so much blood and treasure to resist? It was preposterous to hold out such ideas to a society of grown persons. His lordship must surely by this time have learned, that even that House began to be tired; the sensible men, the noble lord's own friends, are grown sick of war, and the expence attending it. Contractors and placemen, and their dependants, only wish for its continuance. If they are ashamed to take the task upon themselves, the Lords may do it for them. They will have been the means of repealing the plate tax, why not dispose of that on tea in the same manner? He endeavoured to prove, that the nation would be a loser of above ten per cent. upon the loan, which was full half a million; and that, considering all circumstances, it was the most scandalous bargain that ever was made for the public. He was certain, he said, that a shilling would never be

he got from America; for, after the repeated successes which he had often heard dwelt upon in that House, our troops had gained in America, and the cry in consequence of these successes, that America was conquered, and all was over! What was the case? The very first action in which America had the advantage, and defeated the Hessians in their post at Trenton, the American army increased immediately; our army was obliged to give way; nor had we force to protect or avail ourselves of the advantages we had gained, so as to be able to keep our ground. From this single circumstance, he said, he had a right to infer two things; one was, that our force was not equal to conquest, and that it was impossible we could expect to bring America over by fair means while we continued to insist on taxing her. He was very severe on the cruel and inhuman conduct of the Hessians, of their plundering the innocent natives, and abusing the aged and helpless. Our own troops were almost as culpable, with this difference, that the English spent the spoil, and the foreign barbarians hoarded it. He could venture, he said, to inform the House, that America had raised a very formidable force against the next campaign, with little or no difficulty, while our army would be considerably weaker than it was at the opening of the last. He said, he had frequently heard the paper money of the colonies depreciated by the noble lord who spoke last; but he doubted, notwithstanding the painted outside held forth this day, but it would be found security equally substantial with any one fund his lordship could devise.

Mr. *Jenkinson* supported every one of the noble lord's calculations, going over precisely the same ground; and copied his lordship's detail as exactly as if they had been copied from the same original. He took a retrospective view of the conduct of other chancellors, particularly of Mr. Legge, who was esteemed a very able financier; and insisted, that the present bargain was one of the most advantageous that ever was made for the public, when so large a sum was to be funded. He allowed, the events of war, or of negotiation, were uncertain; but for his part, he should never depart from his original opinion, that if America was to remain a part of the British empire, she ought most certainly to bear a proportionable share of the expence of general protection. He approved highly of the taxes, as hitting the proper medium between what was called mere luxuries, and the necessaries of life. In short, they were laid upon the elegant

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conveniencies of life, which were the true objects of taxation in every well regulated state. The proposed duties, he said, were not only judiciously, but equitably laid.

Mr. *Burke* pointed his wit mostly at the honourable gentleman who spoke last, whom he considered as the real minister. He made his acknowledgments to him for that flood of knowledge he poured forth, in order to fructify and improve an ignorant and admiring multitude. His wonder, however, ceased, when he considered whence those copious streams of sapience, information, and instruction flowed. His opportunities were many, and well chosen; and his counsellors great, able, and powerful. He stood in high estimation, he knew, in the highest places; yet, for all his parts, and all his acquired knowledge, it would be extremely difficult for him to shew that the surest steps towards conquering America, or inducing the colonies to come to terms of accommodation, would be to apprize them, that, conquer or submit, they must pay the expence of conquest, or of the measures previously taken to induce them to submit to unconditional obedience. On the contrary, experience, every thing in America, and out of it, contradicted such an absurd expectation. They would, he was certain, sooner die in the field, than submit to such base and ignominious terms. He said he was, and ever would be, ready to support a just war, whether against subjects or alien enemies; but where justice, or a colour of justice, was wanting, he should ever be the first to oppose it. Among other melancholy effects of the present impolitic civil war, he said, the loss of the American trade was one of the greatest. France had got possession of it; our American subjects had found the way thither. Every other mischief might, in some measure, be remedied or removed; that, he feared, would never again flow in its native channel, be the event of negotiation or hostility what it might.

Governor *Johnstone* spoke a few words. He said America was lost, he feared, for ever. We were not able to conquer, and they would never consent to receive us as allies, much less as masters.

Lord *North* rose, but rather confined himself to the answering particular questions put to him by Messrs. Fox and Burke, than to a general defence of the American war, or to any direct assertions of success in the way of either conciliation or conquest. He said the honourable gentlemen pressed much for specific answers to the several questions they propounded; some of which he was totally ignorant of, because they

they did not belong to his department; others were of little or no importance; and the greater part of them were of such a nature, as not to admit of any specific answer, because they depended upon events, of which no man could speak positively. Such as came within his knowledge, he had replied to fully. If he had omitted any thing material, he trusted to the candour of the honourable gentlemen, that they would impute it to an indifferent state of health, which would not admit him to go into the whole question of the American war, or the state of the foreign powers; but that there would be several opportunities before the conclusion of the session, in which the gentlemen might bring those subjects forward, in order for the purpose of their undergoing a full and complete discussion.

Colonel *Barré* was severe on Lord North, and pledged himself that he would bring a direct charge against the noble lord to-morrow, of his abuse in office, in respect of some of the contracts.

Lord *North* said, he was ready to meet any charge it was in the power of the honourable gentleman to make. He knew he had no right to ask the gentleman the specific charge, or the nature of it; but since he was to be publicly accused of so great a crime as an abuse or malversation in office, in the face of the nation, he hoped the honourable gentleman would be so generous to let him know the nature of his accusation, that he might be the better enabled to defend himself to-morrow.

Colonel *Barré* replied, he did not wish to take any man by surprize; he had often mentioned it before. It was relative to contracts and contractors; but the matter he more particularly adverted to, was the article of rum, contracted to be sent from Jamaica and the ceded islands, to North America, for the use of the fleet and army.

The committee then (the question being put on the first resolution) were proceeding to divide, but Opposition declined, and the resolutions were ordered to be reported.

As soon as the House was resumed, and the *Speaker* in the chair, he acquainted the House how extremely disagreeable it was to him to stand in the situation he did all day, relative to the admitting of strangers into the gallery, some being let in, and others not. That it was the sense of the House the other day, that strangers should be let in till the end gallery was

full. He gave directions accordingly; but when the serjeant came and told him that the end gallery was full, he gave orders that no more should be admitted. However, repeated applications after that being made by several of the members, which, for the reason now assigned, he was obliged to refuse, he believed several of the members were displeased at the refusal; he therefore wished to know what the House would have done to-morrow?

Sir *James Lowther* said, he made no doubt but the Speaker was informed there was no room in the gallery, and that it was full; but he begged to assure the House, that he went up to see, and found it not full, but capable of holding nearly as many more.

Mr. *Rigby* made atonement to the Speaker for his harsh expressions on Friday. He said, the Speaker ought to be supported, and that order ought to be maintained in all points. He observed, that a less good-natured man would keep order better. When Mr. Onslow was speaker, he would not let members stand on the floor, or by the chair, or behind the chair talking; and when the House was disorderly, he used to call out and say, he hoped the House would support him in keeping order; and as to the gallery, and the crowd there, he knew no business that strangers, or any one else, but the members of that House, had there.

Sir *James Laroche* said, the crowd was so great in the lobby, that it was with great difficulty he could get into the engrossing-office with a bill; and he hoped it would be kept clear to-morrow.

Lord *Ongley* was against admitting any one into the gallery. He said, he knew no business strangers had there; and was for having the standing order put in force.

Sir *James Lowther* was for letting strangers in to-morrow, because he believed there would be no great crowd. He left it, however, to the Speaker himself, who, he was certain, would act properly.

Governor *Johnstone* said, few would come to-morrow from the city, as the terms for raising the money were known; but perhaps a body of contractors might come and make a crowd, and occupy all the front seats.

The *Speaker* said, as gentlemen seemed to entertain different opinions on the subject, he would endeavour to do as well as he could.

Abstract

Abstract of the SUPPLIES *and* WAYS *and* MEANS.

SUPPLIES, 1777.

When voted.		£.	s.	d.	£.	s.	d.
	NAVY.						
1776. Nov. 9.	45000 seamen (with 10129 marines)	2340000	0	0			
26.	Ordinary of navy and half-pay	406805	2	10			
1777.	Buildings, &c. Ships	465500	0	0			
May 21.	Greenwich hospital	4000	0	0			
	Discharge of navy debts	1000000	0	0			
					4210305	2	10
1776.	ARMY.						
Nov. 16.	20734 men, with 3212 invalids	648009	16	5			
	General and staff officers	11473	18	6½			
	Guards and garrisons	949720	11	3			
	Difference between British and Irish pay	47178	0	3			
	Pay of five battalions of Hanoverians at Gibraltar and Minorca, and provisions for three battalions at Gibraltar	56074	19	4½			
	12667 Hessians for 1777	336932	1	6½			
	A regiment of Hanau	18181	15	6½			
	Ditto of Waldeck	17370	8	2½			
	4300 Brunswickers	93947	15	8			
	Provisions for foreign troops in America	41427	17	7½			
	Deficiency of pay for Hessian troops to 24 Dec. 1776	6617	5	3½			
	Ditto of Hanau	1013	16	10½			
	Artillery for foreign troops, 1777	26053	7	4			
	Carried over	2254001	13	11	4210305	2	10

	£.	s.	d.	£.	s.	d.
Brought over	2254001	13	11	4210305	2	10
Ditto for ditto, 1776	5152	12	3¾			
Artillery of Hesse Cassel, for 1776	13973	16	0			
Do. of Hanau, ditto	3383	16	8			
1777. Do. of Waldeck, do.	403	19	9¼			
Jan. 31. Chelsea hospital	105279	13	9			
Reduced officers	93616	8	4			
Two troops of horse guards reduced	754	12	1			
Pensions to widows	370	0	0			
Feb. 22. Land extras	1200602	12	5¾			
Mar. 24. Regiment of Hessian chasseurs	36728	18	8½			
Regiment of Hanau chasseurs	16326	10	1½			
1285 troops of Brandenbourg Anspach	39588	2	4½			
Deficiency of vote for Hessian chasseurs	3390	18	4¼			
				3773592	17	10½
1776. ORDNANCE.						
Nov. 16. Ordinaries	320111	18	11			
Extraordinaries	272705	18	1			
				592817	17	0
1777. MISCELLANEOUS SERVICES.						
Jan. 31. Roads and bridges in Scotland	6997	13	7			
Mar. 4. Civil establishments, viz.						
In America.						
St. John's 3000 0 0						
Georgia 2816 0 0						
N. Scotia 4596 10 5						
E. Florida 5950 0 0						
W. Florida 5900 0 0						
In Africa.						
Senegambia 5550 0 0						
	27812	10	5			
Carried over	34810	4	0	8576715	17	8½

	£.	s.	d.	£.	s.	d.
Brought over	34810	4	0	8576715	17	8½
American surveys	2993	5	0			
April 29. British Museum	3000	0	0			
May 8. Unsatisfied claims and demands of the Landgrave of Hesse Cassel for expences on account of hospitals in Germany last war	41820	14	5			
Relief of civil officers (attached to Government) in America	32934	16	6			
Expence of convicts on the Thames	1879	10	6			
Commons addresses	13060	2	0			
June 2. Journals of the H. of Commons	600	0	0			
5. African forts	13000	0	0			
George White, for expences relative to inquiries into the state of the poor	500	0	0			
				144598	12	5
1776.						
Nov. 26. Exchequer bills discharged				1500000	0	0
Vote of credit discharged				1000000	0	0
April 18. Civil list arrears				618340	9	6¼
Lottery prizes discharged				500000	0	0
DEFICIENCIES.						
April 29. Grants, 1776	61288	7	1¾			
Three and a half per cent. 1758	44509	13	4½			
Land	250000	0	0			
Malt	200000	0	0			
				555888	0	6¼
				12895543	0	2
Excess of ways and means				56991	12	6¾
	Carried over			12952534	12	8¼

	£.	s.	d.
Brought over	12952534	12	8¼

WAYS AND MEANS.

1776.	£.	s.	d.	£.	s.	d.
Nov. 12. Land, four shillings in the pound	200000	0	0			
1777. Malt	750000	0	0			
Mar. 24. Surplus of sinking fund, 5 Jan.	295832	18	6½			
April 21. Do. do. 5 April	760363	14	2¾			
May 15. Growing produce of sinking fund	1239636	5	9¾			
Duties on rice, apples, &c.	3919	13	7			
American revenues	1391	0	7			
Gum Seneca duty	1391	0	0			
From Lord Holland's executors	200000	0	0			
New Exchequer bills	1500000	0	0			
Annuities and lottery	5500000	0	0			
				12952534	12	8¼
				12952534	12	8¼

The vote of credit for one million granted this sessions for the future army extras, and expence of and loss by coinage, is charged on the next aids.*

May

* The public debt is increased five millions, borrowed at an interest of four and a half per cent. for ten years, besides a premium of 150,000l. given in a lottery; notwithstanding all which, the public debt of every kind unprovided for last Christmas (contracted during this year, whenever it shall be liquidated) will not fall much short of five millions more.

The produce of the new taxes at best is very uncertain. They seem rather adapted for experiments in the calm hour of peace, than to be depended upon in the moment of necessity and danger. It is highly incumbent on the creditors of the public to shew some attention to their interests. The years of war make rather more than one-third of the period since the revolution, exclusive of the rebellion in the year 1715, and the present unnatural commotions. It has been proved, and is beyond dispute, that all the debt that can be discharged in a year of peace, does not exceed from 500,000l. to 700,000l.; the debt that must be contracted, on an average, in a year of war, can scarcely be estimated so low as 6,000,000l.; the public

May 15.

Sir *Charles Whitworth* brought up the resolutions of the committee of yesterday, and the Speaker put the question, that they be read.

Mr. *D. Hartley*. When the noble lord at the head of the treasury opened this debate, he professed his intention of confining himself merely to the official and technical parts of the subject; such as the summation of the supplies of the year, the produce of the ordinary revenue, and of the sinking fund, the amount of the loan necessary to complete the difference, together with the terms of that loan, and the taxes necessary. I allow, that this is a wide field, affording sufficient matter for many days debate; but, as I think these matters by much the least important parts, I would wish to solicit the attention of the House to the general state of the nation in its present circumstances, and to set before them, separately from the confused mass of this day's debate, the clear expence of the American war, such as it is, and such as it must be, if the war continues; the insupportable burdens that it will entail upon those who have hitherto given their voices for the war; the impracticability of finding means to support it; the impossibility of success in the event, and all the ruinous consequences to the trade, the revenue, the powers, the strength, and the resources of this country. The minister may wish to divert your attention, by a multitude of other matters, from these alarming objects, and to amuse an inattentive House and nation into ruin, through the ingenious intricacies of office, and a display of his own abilities, in strewing flowers before you in the paths of destruction. I have long known the talents of the noble lord; and so far I must say for him, though not for the cause, that if the nation will have an American war, he has performed the official part of chancellor of the exchequer for this year with great ability; and if I could think the war to be as just, necessary, and

public debt must of consequence increase at the rate of 1,500,000l. yearly. This is natural death, natural bankruptcy, and, in the natural course or things, at the advanced age of 140,000,000l. could not have been at any very great distance, even without this raging fever of a civil war to precipitate the catastrophe, through which the public debt at Christmas next, cannot amount to much less than one hundred and sixty millions.

The funds for taxation are not eternal, not inexhaustible. Administration must, before it is long, be reduced either to be wanting to their own systems, or to the creditors of the public. The option they will make, it is easy to foresee.

practicable, as I think it to be injustice, madness, and ruin, I should have but little more to say upon the occasion of this debate.

I shall not follow the noble lord into the detail of the budget, but I shall keep to a more general view of the present state of the nation, and its prospects. There is, indeed, one article in the terms of the loan which deserves notice, because it betrays a great deal of what are the real sentiments of the minister, and of the contractors for the loan, of the future prospect of things. The noble lord has told us, that every subscriber of 100l. to the new loan is to receive such conditions, as by estimation shall be all together calculated to be worth 102l. the difference being the premium for the new subscription. He has made it out thus: In the first place, 100l. of 3 per cent. stock, valued at 76l.; in the next place, 10s. per annum, for ten years certain, and then to cease; this he valued at 4l. more; the premium upon one lottery ticket, he values as 3l.: these articles together make 83l. To complete the proposed sum of 102l. there is wanting some article that may be valued at 19l. or of 17l. to complete the value even of 100l. This valuable, upon which so high a price as nineteen years purchase is set by the noble lord, is no other than an annuity of 1l. a year, for ten years certain, reducible at the end of that term, but not *ipso facto* ceasing. Therefore, the noble lord must have succeeded in convincing the undertakers for the loan, that the funds will certainly continue in such a state of discredit for so many years after the expiration of the stipulated term of ten years, as to make it a bargain at this hour to give seventeen, eighteen, or nineteen years purchase for a contingent annuity, not redeemable till public credit shall once more hold up its head. This is something new and extraordinary, that even the noble lord's merit and boast in making a good bargain for the public should be founded upon the discredit of the public funds. The minister, who from his situation must be informed of the lamentable state of the nation, and of its prospects, cannot explain his own merit to this House, without boasting that he has sold the public discredit at so many years purchase, though he has in the same breath had the art to persuade us to another campaign, upon the promise of success, and a good event to these troubles. He produces to us here the undertakers for the loan, who must go upon the calculations according to the years purchase, as so many underwriters of the future discredit of the public funds. They know very well,

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by their tables, that a purchase of seventeen, eighteen, or nineteen years, cannot be reimbursed to the purchaser at 4 per cent. in less than thirty or forty years. For so long, therefore, have they underwrit the public discredit. These testimonies are this day to receive a public parliamentary sanction. Our prophetic omens and forewarnings on this side of the House have long been treated with slight and disregard; but now the secret is confessed; the minister has published it; the stock-broker has underwrit for it. This House has returned their thanks to their Speaker, for having laid the melancholy, but important, truth before the Throne, that the *day of public distress, full of difficulty and danger, has overtaken us*, and that we are *labouring under burdens almost too heavy to be borne*; and now Parliament is again this day to stamp with the seal of its authority this fatal truth. If all these tokens and warnings will not bring back an infatuated people to reason, we are gone past all hope of redemption.

Neither the enormous expence, nor the absolute impracticability of the war, seem to have any weight with us: we go on regardless both of the means and the end. I stated to the House last year, a computation of the probable expence of the war, and now that the papers of last year are laid upon your table, they bear testimony to the truth and accuracy of those calculations. Those resolutions, to which I could have wished to have had the concurrence of the House, that they might have been awakened to the real state of public affairs, stand upon your Journals, to shew at least that you have had early warning offered to you; and though the fate of all of them was to fall by the previous question, or the flat negative, yet they have all proved true. As long as this national madness continues, so long must the same annual expence of this unjust and impracticable war continue. Seven millions a year is the least that the expence for the American war can be stated at, either by the measure of the last year, or the adopted system of expence for the present year, and so on. Without entering into the same detail that I troubled the House with last year, you may see the difference between this year's expence and a year of peace, in very short totals. The total of the expence stated by the noble lord for this year, under the heads of navy, army, ordnance, militia, and sundry services, amounts to about 11,000,000l. the ordinary peace establishment is under 4,000,000l. the difference, therefore, being about 7,000,000l. is occasioned by the American war. This is the least. I understand, that

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we have sent a recruit to the forces in America of about 5 or 6000 men; this poor recruit has been purchased at the moderate expence of 7,000,000l. We can only argue from so much of proofs as are before us; therefore, I would not have the House imagine me to say, that this is the whole expence. By no means; arrears upon arrears, and Hessian demands: Hessian demands will make a heavy total. If you were to close at this hour this boundless profusion of madness and expence, this American war from first to last would not cost you less than twenty millions. How is this immense expence to be supported, and from what funds, from year to year? When this ruinous war shall have produced its effects in the destruction of the commerce and revenues of this country, how will all these fallings off be supplied? This is a consideration well worthy of the attention of the landed gentlemen. Their acres, must in the end, answer for all deficiencies. Their land is a sure deposit; whatever fails, they cannot run away. They are bound to the stake by the solemn faith of Parliament. There is not a loan founded upon any tax of consumption, without a provision, that if it should fail, the first supplies of Parliament are bound to make good all deficiencies. This is a serious matter to the landed man, and should teach him the prudence to cultivate and secure the produce of all taxes arising out of consumption, and commercial superfluities. Tea, wines, brandy, sugar, and all foreign superfluities bear their share now; but when the destruction of trade brings on general bankruptcies, and a reduction of every man's superfluous expences in living, the necessities of private parsimony will dry up the sources of taxation from superfluous consumption; that is to say, of all voluntary taxation. Then comes the landed man's turn; he must fly his country if he would fly from taxation. When superfluities fail, necessaries must stand in their place. Men must eat, and wear clothes; then you must tax bread and cloth. In a day of real distress you must lay the effective taxation upon producing funds. At such a time it is folly to tax follies. You must lay such taxes as cannot at option be avoided. Bread, and cloth, and beer, and land, and houses, must be substantially taxed. Have not the landed gentlemen heard a language which is lately got abroad, to mortgage a shilling in the pound upon land, perhaps to equalize it, and then lay it double? These are the modern preparatory hints, which, I think, are broad enough to be understood. Why should we despond? Is there not a good untouched rental of

30 or 40 millions a year in land rents? The rental of all the houses in England is perhaps seven or eight or ten millions a year more: a shilling or two upon the land mortgaged, and a tax of ten per cent. upon a full valuation of houses, will produce immense funds. These, I should think, must be alarming arguments coming at this time, when the fatal blow is aimed at the commercial powers and prospects of this country, when taxes of commercial production begin to shrink under the hand of taxation. This is the lot which we are preparing for the landed man. When we have lost our trade and wooden walls, the landed man must carry a musket upon his own acres, and at his own cost, and in his own person, and fight upon his own land, against any foreign invader, for the defence of his country. When the Gauls are at our gates, the sinews of a necessary defensive war must not be uncertain; the landed man must stand in the gap with his life and fortune. He alone will have any thing worth defending, or the means of defence. Let the landed man think of these things while it may yet be in time, and let him recollect that when trade and commerce are gone, the value and rental of his lands will fall, and the whole weight of all the national burdens will fall upon him, when he himself is sinking. Let me, therefore, apply to the landed gentlemen in this House, whom I consider as the guardians and watchmen of the state, to throw a golden bridge behind the minister, and to give him a retreat from the prosecution of this fatal war; and not, under a notion of false honour, to press him on to madness and ruin, through a system of unjust, destructive, and impracticable measures.

Surely the most obstinate partizan for the American war must now begin to suspect his errors, and the deceptions which have been put upon him. When the war was first adopted in this House, the cry was, that the appearance of but a few men would soon annihilate all resistance, and put an end to the matter, in less than even one whole campaign; we are now entering upon the third campaign, at the expenditure of twenty millions, and nothing done. I told you the year before last, that you would meet with a resistance of an army of 50,000 men. I was then laughed at for the prediction, though it has proved true. The last year, when you had sent armies, to the amount of 54,000 men, I told you that you would not touch a hair of the head of America; has it not proved so? They are unanimous, at home, and upon the defensive; you are unconcerted in your councils, three

three thousand miles distant from execution, with every difficulty against you. Delay, which is the sure game of the defensive side, has been, and must prove your ruin. At sea, which has hitherto been our prerogative element, they rise against us at a stupendous rate; and if we cannot return to our old mutual hospitalities towards each other, a very few years will shew us a most formidable hostile marine, ready to join hands with any of our enemies. There is scarcely a port in Europe, which does not give harbour to their privateers. Their captures upon our trade have been to the amount of some millions of money, for we have more to lose than they have. The American cause gives a mask for all the nations in the world, under American colours, to plunder the British trade, which we experience every day, to our severe cost. The assistance and countenance which they receive from all European powers, is too notorious to be any longer denied. Under all these gloomy prospects and appearances, let me once more entreat the landed gentlemen in this House, to cast about for some line of restoring peace, and a perpetual alliance in friendship, between this country and America.

My object, in every thing that I have laid before the House, upon former occasions, upon the plan of conciliation, has been, if possible, to restore the old system of things, under which peace, prosperity, and friendship have flourished. That system has passed away, when we knew not the value of it, I fear, never to return; indeed, now I think it by no means eligible, that the old system should return. A federal alliance, which may have the principles of duration in it, is in my poor opinion, at this time, the only safe plan. After what has passed between the two nations, and our having put the Americans to feel those powers within themselves, which they were ignorant of before, any other plan of oppressive superiority, and national claims of dominion, will only lay in store materials for some future civil war, even if the decision could be suspended by some temporary advantages on our side for the present. If I could have advised the councils of this nation some time ago, it should not have been to have pressed forward the decision of such touchy points by any needless anticipation. If I were now to presume to give a word of advice, it should be to follow the natural course of things, according to the true and unalterable principles of equal liberty and social happiness to all mankind. Give to your colonies the perfect inheritance of free-

dom,

dom, while you can say, that you have any thing left in your power to give. Upon these principles, I have drawn up a motion, in the shape of an address to the King, for the peaceable settlement of the troubles in America. I do not know, that I shall actually offer the motion to the House, because I am not sure that it would stand any chance of a good reception as yet; but I will venture to prophesy, that the principles of a federal alliance are the only terms of peace that ever *will*, and, according to my opinion, they are the only terms that ever *ought*, henceforward to obtain between the two countries. If the House are not yet ready to receive such as I conceive to be the only true principles of freedom, I shall not obtrude the motion upon them; I shall only desire to avow such principles, and none others, to be mine. In the drawing of the motion, I have incorporated the arguments with the proposition itself, that it may speak for itself, and remain a protest at least on my part, against the principles of those measures which are now pursuing. I have drawn it up as follows:—"To the King. Your faithful Commons have taken into their most serious consideration, the very alarming state of this nation, from the present unhappy disputes with the American colonies, and are most heartily desirous, according to the example of their ancestors, to encourage, support, and maintain, the true principles of liberty, and through them to establish peace and prosperity throughout every part of your Majesty's dominions. We cannot but express our fears, that in the present unhappy disputes, your Majesty has been much misinformed, as to the true state of America, by ignorant, and, perhaps, ill-intentioned informers, who have represented to your Majesty, that the disturbances there were excited by a few individuals only, but that the general sense of the continent of America was totally averse to them, and ready to submit, if but a few troops (with some degree of countenance from this country) were to be sent over. Your faithful Commons, therefore, finding from the subsequent events, such informations to have been groundless and delusive, are led to suspect, that the causes likewise of the disturbances may have more serious and deep foundations than have been represented. They are, moreover, led upon this occasion to consider, that all good government is established for the safety and content of the people, as expressed by the general voice, and common consent of the members of any community; and that, whatever superintending power or control a parent-state may be entitled

titled to, in the infancy of any colony, as for the common good of any such colony in its infancy; yet that the ultimate end of all colonization is, and ought to be, to establish kindred and derivative communities into perfect societies, in the fulness of population settlement, prosperity, and power. These principles are not only founded in the nature of mankind, but are peculiarly applicable to our own colonists, who carried out with them, into their foreign settlements, the seeds of the British constitution, which we flatter ourselves to be the happiest and most free in the world. These colonies, under the auspicious and friendly eye of the parent-state, have at length out-grown the imbecilities of their infant-state, and approach to the maturity of settlement and population, and all the arts of life, and thereby are become capable of that glorious inheritance of perfect freedom, which their parent-state has in former times rescued out of the hands of tyrants, with a view to assert it for the common good and use of mankind, and particularly to transmit it entire to their own descendants. As no country can arrive at its full perfection, while it is confined in the powers of a free legislation, respecting the concerns of its own internal policy; and as the transition of colonies from the controul of a distant parent-state, to the absolute possession in full right of all their legislative powers, must inevitably (at a certain period of connexion between the parent-state and its colonies) disturb, or at least for a time suspend, the harmony of affection and mutual correspondence of interests; and as the course of the present disputes between Great Britain and her colonies has led to that dangerous point of contention, which being originally inherent in the relation of parent-state and colony, now shews itself so serious in its aspect, as perhaps to threaten, if not amicably adjusted, the ruin of one or both countries: your Commons, therefore, think it wise and prudent, to follow the apparently natural and unavoidable course of things, and to bestow upon the colonies an entire freedom of their legislative powers within themselves, hoping thereby to lay a foundation for a perpetual and indissoluble bond of affection and alliance, in every respect as beneficial to both countries, as the connexion which has hitherto subsisted between them, in the mutual relation of parent-state and colony; and with this additional hope of permanence, that according to all human prudence, such connexions, in which there is no latent principle of future discord, may be trusted and relied upon, for the cordial restoration of peace, and

and for all the blessings of reconciliation between this country and the offspring of its own liberty, formed in the perfect resemblance of its own constitution, and transplanted into the new world of America. Your faithful Commons, therefore, humbly beseech your Majesty to order an immediate suspension of hostilities in America, for the sake of preventing any farther effusion of blood, and to concur with your Parliament, upon the ground-work of the foregoing principles and considerations, in laying a foundation for reconcilement and perpetual peace between this country and America."

Mr. *Rashleigh* reprobated the tax upon sales by auction, and begged Lord North to explain the resolution relative to the sale of estates by assignments, and to acquaint the House whether leases were intended to be included in the description of any freehold, copyhold, or leashold tenements or holdings.

Lord *North* replied, Not leases, without a valuable consideration expressed; but if leases were granted for a fine, or other consideration, and of course vested a specific property in the possessor, he imagined and intended that they should be included in the words of the resolution. He lamented with the honourable gentleman [Mr. Hartley], the necessity of laying new taxes, and the expences of the war, which created that necessity; but denied that he was instrumental in either one or the other. The equity of compelling America to contribute towards lightening those burdens they were originally the cause of, was a popular opinion within those walls long before he ever entered into office. It was still a prevailing opinion; but whatever motives of propriety, expediency, or concession, on our part, might have induced us to wave the exercise of the right, the grounds of the contest had long since shifted. It was no longer a question, whether we should tax them, or let them tax themselves; or relinquish and totally abandon the exercise of the right to tax them: it was simply, whether America was any longer to form a part of the British empire? If that House thought the object no longer worthy contending for, he had not a single desire or wish of his own to gratify, contrary to the sentiments of that House. If, on the other hand, the House continued to persevere in thinking that the honour, dignity, and vital interests of the whole empire, were deeply involved in the issue of the present contest, in the judgment of all that heard him he must stand fairly exculpated from the charges brought against him

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by the honourable gentleman. The question now is, Is the bargain a good bargain? Are the taxes judiciously and equitably laid? The latter the honourable gentleman has acknowledged; the bargain with the public creditors he has found fault with. He says, that the navy debt should be reduced. I think so; and have done all in my power to reduce it. I have paid off a million; but if more of the navy debt, five hundred thousand pounds, had been paid off, as the honourable gentleman has suggested ought to have been done, that sum would of course, on getting into circulation, either as adding to the funded debt, or as added to the exchequer bills, have produced the same inconveniency now complained of. The honourable gentleman has spent a great deal of time in proving that the bargain was a very good one for the subscribers, and a very bad one for the public. It called for no long detail of facts, nor much argument, to prove how erroneous such an assertion was. He should only refer him to the market, as the most impartial evidence of his mistake, and the error of his calculations. Let him examine the price of stocks this day, and he will find, that instead of a profit of 10 or 5 per cent. which he supposes the subscriber will make, the honourable gentleman, or any friend for him, might purchase as much *omnium* as he pleased, considerably under 2 per cent. The honourable gentleman seemed much surprized what could induce him to keep so laborious an office, and carry through measures so contrary to his own judgment. The latter was a point, he presumed, the honourable gentleman could not be informed on sufficiently, to speak with any degree of certainty; and as to the former, he was very willing to resign, whenever a person was found ready to succeed him, who at the same time had the sanction of public approbation. By the word public, he meant Parliament; they are the public, because they are the representatives of the public. But supposing that he was as ready to resign the present laborious office, as the honourable gentleman seemed desirous he should, what could be done? The great business of the nation must not stand still; and the honourable gentleman says no person could be found who would accept it. It follows, then, that he must be obliged to keep it, till some one be found to take or accept of it. The honourable gentleman, in his general rage for finding fault, betrayed some marks of friendship: he admonished him to take care of his head, the safety of which depended, in some measure, on the event of the American war. Whatever

ever might be the event of the war, he never expected to have it imputed to him: he indeed heard the contrary imputed to him, by persons at the same side of the House. He was certain either assertion was equally ill-founded; he never pressed the war in a responsible situation; he always approved of the measures, as they arose, as an individual. If innocence, founded in private opinion, was a protection, he must remain safe in this country: he did not lead Parliament, but follow it; he meant to continue to do so; and whenever that House, which expressed the sense of the nation, thought proper to wish him to retire, he should do it with content and private satisfaction, in a consciousness of having discharged his duty with truth and fidelity.

Mr. *Dempster* observed, that the noble lord had been now ten years at the head of the treasury, or, more properly speaking, of the finances, as chancellor of the exchequer; and, instead of paying off any part of the national debt, he believed he had added considerably to it. When a person of his lordship's confessed talents had failed in making any progress in so desirable a work, he despaired ever to see the debt lessened: he therefore thought it would be better for money to be borrowed in such a manner, that the very nature of the loan should create a virtual fund for discharging the sum borrowed; such as borrowing sums at a proportionate increase of interest, which should cease at the end of 61 or 99 years, the interest and principal to be extinguished together. It would, in fact, be paying so much of the debt thus borrowed, every year. He lamented greatly the ponderous load of debt the nation groaned under, and the multiplicity of taxes laid upon all the necessaries of life, more than any other nation under the sun, in proportion to its abilities, ever before bore.

Lord *North* said, that the matter mentioned by the honourable gentleman who spoke last, had been often talked of, even before the commencement of the present century; but, for his part, if any alteration were to be made, he thought it ought to be for short, not long annuities; for he believed the length of them, after a certain period, added very little to their value at market. This he instanced in the long annuities granted in the reign of Queen Anne, which, after sixty-nine years enjoyment, sold for as much as they did the first day they were granted, though they were to be extinguished in 30 years, namely, in the year 1807. Sir Robert Walpole had turned his thoughts to the subject very fully, and

gave the preference of perpetuities to long annuities. For his part, he should prefer short annuities to either. It held out a pleasing prospect; and if it was a mode of extinguishing debts, it was certainly the most direct, easy, and immediate.

Mr. *Bayly* opposed the motion; but the House was so noisy, he was obliged to sit down without being heard.

Hon. *T. Luttrell* said a few words against the mode of contracting the debts, and the terms of the loan; but the House continued too disorderly for him to procure a hearing.

Colonel *Barré* said, he waited with astonishment for some explanations from the two noble lords [Lords North and G. Germaine] on the treasury-bench; but had heard nothing from them on the subject of the state of Europe and America. The noble lord (in the blue ribbon) had touched slightly on the good disposition of the French court, and his hopes respecting the happy conclusion of the American troubles; but that was all. He neither explained the grounds on which his opinions were formed, nor assigned a single reason sufficient to satisfy the public, which, by every appearance of things, had a right to fear, nay, to believe, the direct contrary. There were many articles in the extra services which were not clearly nor satisfactorily, nor indeed at all accounted for; one in particular, of 400,000l. He had asked the noble lord before, what it could be for; and forced out, at length, that it was for the military chest. He said, contracts for rum had been made at 3s. 3s. 6d. and 4s. per gallon, besides freight, which brought it to about 5s. 3d. a gallon, free of duty, to be delivered in America, and the quantity was immense. For his part, when he served in that part of the world, he never understood that there was any occasion for rum to be served to the troops, as aboard a man of war; and he remembered very well, that in the back settlements, when Sir Jeffery Amherst commanded there, he ordered rum to be delivered, even in those inhospitable, uncultivated regions, in very small quantities; assigning it as a reason, that it would spoil the soldiers.

Lord *North* said, he was surprized to find that he had deserted the accusation he pledged himself to bring forward in the committee; and had now contented himself with calling for some trifling explanations.

Colonel *Barré* said, that if the noble lord meant to be at all communicative, there was ample matter for him to expatiate upon. He called on him particularly to explain the

700,000l.

700,000l. for provisions alone; likewise the 800,000l. for extraordinaries, of which the noble lord had hitherto only told them that that and other 400,000l. were applied for a military chest; a very laconic explanation, but such an one as he hoped would not prove satisfactory to the House by any means. That in relation to the rum business, a Mr. Atkinson must be a very good friend of the treasury indeed; for he has paid 35,000l. for rum, without any of the requisites of a satisfactory account; for there was not even the quantity specified which he had furnished; he understood, however, that it was at five shillings and threepence a-gallon: that he had made many inquiries of planters, merchants, and others, and had found that three shillings and sixpence was a very favourable contract price: that two shillings and fourpence was a prime-cost price, and desired to know if a Mr. Irvin had not offered to contract for rum at two shillings and sixpence? And also, if the Victualling-office had not contracted for it no longer ago than last Monday, at two shillings and sixpence? He would not hint an idea that the noble lord touched a penny of these contracts: he who certainly was capable of refusing LACKS OF PAGODAS, can never be reproached with the meanness of being concerned in the pitiful transactions of rum contracts. And, speaking of the losses sustained by the American war, that of the customs alone, last year, he affirmed, was not less than 1,700,000l.

Lord *North* rose again to answer Colonel Barré. He said, in reply to the contract business, that nothing could be clearer than the mode of the exchequer passing the accounts of those who had contracted with government; that there was always vouchers for every thing that was done, so that the completest satisfaction could at any time be had, as to the terms of the contract, and the due performance of those terms. That the contract with Mr. Atkinson was for rum of the very best proof, the finest that could be had in Jamaica; and in order that it might be known whether the rum was of that goodness, an instrument for ascertaining it was sent out. That Mr. Pelham, secretary to the navy board, had informed the treasury, that their contract price in Jamaica, was four shillings and fourpence a-gallon; but that, in addition to this, there was freight, part to Boston, at sixpence, and part to Canada, at ninepence, which made sevenpence halfpenny, on an average. Leakage was ten per cent. or fivepence. Insurance eight per cent. or fourpence. Commission was five per cent. or twopence halfpenny. In all,

Prime cost	0	4	4
Freight	0	0	7½
Leakage	0	0	5
Insurance	0	0	4
Commission	0	0	2¼
	0	5	11

Whereas the treasury had contracted at five shillings and threepence, which he thought, so far from being a bad bargain, was evidently a very favourable one.

As to Mr. Irvine having offered to contract cheaper, he knew not the fact; but no other contracts were to be made than the first, as they were now left to the commander in chief, Sir William Howe. In answer to the colonel's inquiries about the sums called a military chest, he said it seemed to him not an improper term, as it was at the disposition of the commander in chief, for the purchase of extraordinaries.

Colonel *Barré* (with some vehemence of pleasantry) rose to hug the noble, noble lord, as he called it: upon the rum affair he was perfectly satisfied; perfectly convinced of the wonderous good economy of the noble lord, to get that at five shillings and threepence, which plainly cost the contractor six shillings. Why, the poor man must be ruined! It was cruel to treat him so unjustly; and he now plainly saw the reason why people of all sorts were so shy of taking government contracts. But this Mr. Atkinson must be the greatest ideot in the whole contracting world. Did he make his contracts for sour crout and porter upon the same principles? But what will the noble lord say to rum, so far from being four shillings and fourpence, being in the island no more than one shilling and ninepence; yet this was the fact, he knew from certain intelligence. Those, therefore, who had so flagrantly misinformed the noble lord, ought to be reprimanded. He then called again upon Lord George Germaine to give some satisfaction to the House, upon the business of the American war: that the noble lord spoke but seldom, but he spoke with weight.

Sir *James Cockburn* rose to explain the circumstances of his contract for 100,000 gallons of rum from Grenada, where the current price was two shillings and a penny sterling a gallon: that there were expences in casks, &c. which gentlemen

tlemen had forgot; that to carry rum from the West Indies to Boston or Canada, now was an immense expence, as they were to be freighted thither on purpose, and to come back again empty to the islands. He asserted one fact, which, if true, was very strong, that he freighted five ships with his contract, and one not being loaded, he filled her up with more of the same rum, to be sold at Quebec on his own account, and that sold for a higher price than what his contract gave him; he offered to produce proofs of what he said at the bar; and said, if the treasury would give him another such contract, he would not take it; that his contract, and it might be the same with others, was made under the expectance of the price falling, instead of which it rose.

Lord *North* said, that Mr. Pelham's account was four shillings and fourpence, without distinguishing whether it was currency or not; but he apprehended, that currency was meant, from the certain expences he had recapitulated running so much above five shillings and threepence; but that he would inform himself more particularly about it, and give the House every species of information they wished to have about it; as there was no contract which would not bear their closest examination.

Mr. *Fox* called on the House simply to remark, that forty per cent. was no sort of difference in the accounts of the noble lord.

Mr. *Bayly* rose again, which produced fresh disorder; the gentlemen in the neighbourhood of the treasury-bench insisting that he spoke before, and had no right to rise a second time in the same debate, unless to explain. He was at length permitted to proceed, on his saying he had an offer to make to the noble lord, which would prove a saving to the nation of full forty per cent. He accordingly offered to serve any quantity of Jamaica rum the noble lord and the treasury might want, or think proper to contract for, at 2s. 2d. per gallon, which was just half, on an average, of the price which had been given in all the contracts already made. The current price in the rum season, in Jamaica, was from 19d. to 23d. the gallon; and therefore said, he would have a good profit in serving it at 2s. 2d. or 2s. 4d. at most, after paying freight, insurance, &c.

Mr. *Jenkinson* lamenting partly the necessity of the war, the loss it was to the kingdom, but upholding the indispensable authority of Parliament, and blaming the bad policy of some late ministers; he reprobated, in the strongest terms,

the tea act; he condemned the whole measure as impolitic, as idle, futile, childish, and paltry. Then turning to the stamp act, he said, that measure was not Mr. Grenville's; if the act was a good one, the merit of it was not due to Mr. Grenville; if it was a bad one, the errors, or the ill policy of it, did not belong to him. The measure was not his.

Mr. *Dempster* remarked, that if contracts were publicly advertised to whoever would supply them cheapest, as they ought ever to be, the noble lord would not be under any difficulties in having recourse to either papers or memory.

Mr. *Dunning* said, that there was no clearness in this matter of the contracts; but there was one thing as clear as day, which was the noble lord's perfect ignorance of the whole transaction.

Lord *George Germaine* rose to give satisfaction to the House, why he had in the debate of the day before said that there was a prospect of a successful end to the war in North America. That as to his speaking seldom, it was not his custom to speak when he had nothing to say; but whenever he was called upon to give information to the House, he should always then speak with pleasure. As to the campaign, he thought he had the greatest reason to expect success from the army of General Howe being in good order, and more numerous from recruits than in the last campaign, while that of the rebels was in much worse order, and less numerous than it was before: that the fleet was also reinforced with some ships of the line, which were wanting last year; that he thought himself farther founded in his expectation from the minds of the people turning, from their experiencing the misery of anarchy, confusion, and despotism, instead of the happiness and security they enjoyed under the legal government of this country; that these emotions had operated so strongly in their minds, that very many deserters had left the rebel army, and come in to General Howe with their arms; many hundreds, and were coming in every day: that he had formed his opinion from the circumstances of the Congress having given up the government, confessing themselves unequal to it, and creating Mr. Washington Dictator of America; these circumstances, he thought, promised divisions among them. That another circumstance which every day proved of yet greater importance, was, their being disappointed in their expectations of assistance and support from France; they had been buoyed up with that hope, and made to believe, that a superior French fleet would be seen riding on

on their coast; in all which they now felt themselves deceived, and resented it accordingly. That they had met with the same disappointment from Spain—not that he asserted they had not received underhand assistance from both, in officers, &c.; but what they were promised, was open, avowed assistance. Yet, Sir, added his lordship, for the protection of France they would pay largely: they have offered largely; they have, by their pretended ambassadors, actually offered to the French court all our West India islands! There is liberality, Sir! There is love of freedom, to consign so readily, under French dominion and despotism, the whole West Indies! Let me farther remark, Sir, that there are great expectations from the army in Canada, which last year could do no more than prepare to act; but having destroyed the enemy's fleet, they will be able to advance early in the spring, and unite with General Howe's army, adding 12,000 men to it, besides Canadians. His lordship farther brought another circumstance, which was the infinite difficulty Washington found in raising men: he had been under the necessity of forcing them into arms for three years, yet gave them a bounty of thirty pounds sterling a-man; but nothing could make it effectual; for as fast as they were forced on one side, they deserted to the other; of which there were 6000 armed New-Yorkers in Howe's army: that his army was collected chiefly from the south; for from New England none had been raised, and they would early be cut off from the south. These, he said, were the reasons which induced him to have the warmest hope that the next campaign would prove very favourable. By the last returns, which were in March, the troops under General Howe were in health and spirits; and we should have an army much more numerous than we had last year, with the advantages of being composed of seasoned and disciplined men, used to service, the inclemencies of weather, and the change of climate. He said, if the operations of war should be extended, and that it might be thought better to employ the army under General Howe in New England, the advantages would be no less obvious: it would cut out work for the northern rebels, keep them at home, and prevent them from dividing General Howe's force, or interrupting the operations of the grand army, by which means he would be better enabled to push his conquests to the southward.

Colonel *Barré.* I congratulate the House upon the noble lord for once, at last, giving any hope that there would be an end of the American war: this was what he never could be brought to do before; not one word of the kind could ever be drawn from him. The noble lord has told us, that all deficiencies have been made good in our army, by recruits from Europe. I do not clearly understand him. Does he mean their present or their former establishment, and does he include in the army the American auxiliaries?

Lord *George Germaine.* What I mean, Sir, is this, that on the 20th of March, the date of the last general return, the army was more numerous, including the troops going on the sea from Europe, than it was when it took New-York—— more rank and file, without including the 6000 Americans. His lordship again repeated, that he believed in his conscience his information was good; that matters were precisely as he had stated them; and that he had the most sanguine hopes of success.

Colonel *Barré.* The noble lord seems to pride himself upon that circumstance, which he has no room for; for I will tell him the reason—the last division of Hessians were not arrived when New-York was taken.

Lord *George Germaine* and Lord *Barrington.* No, no, no; we do not mean that.

Colonel *Barré.* But the noble lord gave not the least satisfaction that he did not mean it. One circumstance he builds upon much, is the unpopular and dangerous circumstance of making Mr. Washington dictator. Now, Sir, it is very remarkable, that that account should have been denied by every private account which has come from America. Mr. Washington positively denied it. He applied to the Congress for more power, as his former authority was not sufficient for the raising and disciplining the troops voted: such an enlargement of his military power was given; but it was only relative to the army, and by no means a dictatorial authority, to include all the power of the state.

Another point upon which the noble lord has insisted much, is the French not openly assisting the Americans. But, Sir, he admits, and indeed he could not do less, that they have given every assistance privately; that they have sent great numbers of officers, engineers, and most ample supplies of money, arms, artillery, and ammunition: this we all well know; and every one must be able to judge whether this will not have a great effect in the ensuing campaign.

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As to the French fleet sailing to Newfoundland without a convoy; does the noble lord recollect that that fleet will be back in June, and that there then remains full time for France to interfere and prevent our conquest of America, which, depend on it, they never will allow. Look at the present state of their fleet; they have twenty sail of the line ready for sea: Is that a peace establishment? Is that an equivocal mark of their intentions? What in the name of common sense do they intend to do with that force, if not employ it against us?

But there are great hopes from the army in Canada; I wish those hopes may not be frustrated: there is a piece of policy to be exerted there which is unheard of; another officer wresting the command away the moment the army is out of the limits of the province; but through the whole conduct of the last campaign that commander was unhandsomely used—and it is to continue. Nor, Sir, will the operations there be in future so smooth:—Consider what was done; General Carleton destroyed twelve of fifteen of the enemy's vessels on the lake the 19th of June, but he was then unable to proceed. Does he know that the 19th of June is a very early opening of a campaign there, and if he then could not proceed, why is he now, after the Americans have had so much time to repair their losses? It will be no such easy matter—certainly no easy matter. Yet the fleet which he built there cost, I may say, millions to this country—so much, that we shall never have the particulars.

To me it appears clear, that the Americans had the advantage in all the great leading features of the campaign—the evacuation of Boston, General Carleton's retiring at the close of it, too weak to attack Ticonderago, and General Howe not being able to bring Washington to an action, but extending his lines till they were all driven back about his ears. Through the whole of these circumstances, we have had nothing to boast.

The resolutions were agreed to without a division.

May 16.

Bills passed. Adjourned to the 21st.

May 21.

Lord *North* acquainted the House he had a message from the King, signed by his Majesty, which he presented, and it was read by the Speaker.

GEORGE

GEORGE R.

His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering, that, during the present troubles in North America, emergencies may arise, which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous that this House will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services, for the year One thousand seven hundred and seventy-seven, and as the exigency of affairs may require: and his Majesty doubts not but that his faithful Commons will enable him to make good the charges attending the calling in and recoining the deficient gold coin, in pursuance of an act of Parliament passed in the fourteenth year of his reign, which remain unsatisfied, and which cannot at this time be ascertained.

G. R.

May 22.

House in a committee; Resolved, that one million be granted to his Majesty, to enable him to defray any extraordinary expences, already incurred, or to be incurred, on account of military services for 1777; and to defray the expence of calling in the deficient gold coin?

Mr. *D. Hartley* desired to know, how much of the money now granted, would be wanted to make good the deficiency caused by calling in the gold coin.

Lord *North* said, it was impossible to ascertain the sum exactly; but he had reason to believe it would amount to between 250 and 300,cool. His lordship observed, that several reports had been propagated, as if the treasury-board had made disadvantageous contracts, particularly in the article of rums, contracted for the use of the troops serving in America; and that a partiality had been practised, in giving a preference to some persons, on account of their connexions and public situations. He totally disclaimed the most distant intention of the latter; and assured the House, if he had entered into any contracts, at an improper rate, it was not done with design. He had, however, inquired more minutely into the matter, since it was last agitated within those walls, and found the contrary to be the fact. He said, the contract for rum might be made for about 2s. 8½d. sterling, on the spot; that this was lower than what was paid by the navy-

navy-board; that agents were employed in Jamaica and America, to see the rums shipped and unshipped, and delivered; that when cooperage, insurance, freight, and 8 per cent. brokerage, besides ullage, were taken into the account, the whole would be little short of 6s. per gallon; which was considerably more than what government engaged to pay, by their highest contract.

Colonel *Barré* said, his lordship was totally mistaken as to the price on the spot, the current average price being 1s. 9½d. not 2s. 8½d. as erroneously stated by the noble lord; that the fullest value, taking freight, insurance, brokerage, agency, and leakage, of rums delivered in America, of the growth of Jamaica, would fall something short of 4s. instead of 6s. or 5s. 3d. as mentioned now with so much confidence by his lordship. He added, that he thought the whole transaction relative to the rum contracts, wore a very slovenly and suspicious appearance; that it was too late now in the sessions for the House to take up the subject *de novo*; but, he trusted, the House would resume its ancient right of checking the public accounts, already given in, early in the next session; that they would call for evidence to be examined at the bar, in order to substitute facts for the assertions indiscriminately bandied about from the opposite side of the House; that if some such measure should not be adopted, this country must be undone by the contracting tribe: that the noble lord had said, he had no gain by contracts. He believed him; but said, the mischief might be completely effected, without his lordship's sharing in the spoil. His lordship was surrounded by a troop of runners, dependants, &c. which was the most expensive of all troops that could possibly be kept in pay.

Lord *Mulgrave* said, from what he could learn from the mode of contracting adopted by the navy, the contracts now so severely condemned, were made upon very proper and advantageous terms, all circumstances considered.

Mr. *T. Townshend* said, it was one of the prime privileges of that House, and became an essential part of its duty, as connected with the power of granting money, to watch the minister in the disposal of it, and check its expenditure. It was a part of their business in that House, and the leading object of their assembling, to call the minister to an account for the treasure committed to his charge. Matters of a very doubtful nature appeared, which, if not cleared up in due time, he hoped that House would discharge its duty, by

properly

properly exercising, and, if necessary, exerting its power in discovering the truth.

Mr. *Montagu* said, immense sums had been granted; the most boundless confidence had been reposed in the minister; and it behoved him to give the House every satisfaction in his power.

Sir *Edward Astley* said, he had strong reasons to fear, that the most shameful acts of public prodigality had been permitted, if not encouraged, by persons in authority.

The order of the day, to go into a committee on India affairs, being read,

Governor *Johnstone* opened the business, by recapitulating the eminent services of Lord Pigot, when he formerly commanded as a military officer in that country. He pointed out the several transactions his lordship had distinguished himself in; and closed his lordship's character by attributing to his prowess, military skill, and several other great and amiable qualities, that we now possessed a foot of territory in Asia, or perhaps even a permission to trade there. From establishing his lordship's character on the highest pinnacle of that species of fame, which is supported equally by the mild as the heroic virtues, the Governor took a view of the state of affairs in India, beginning at the system growing out of the treaty of Paris in 1762, and ending with the latest dispatches received, either from Lord Pigot or the council of Madras. His facts, his detail, his arguments, and deductions, were uniformly directed to establish two leading points. One was, that the Nabob of Arcot, by his instruments in this country, and by the powerful arguments used by that prince, of which his ambassadors were the bearers and enforcers, had formed a very powerful party in his favour; the other, that by similar means and arguments, and agents of a similar size and talents, he had been able to form a party in his favour in the council at Madras. Though the objects were two-fold, and seemingly distinct, the end proposed was the same; the disgrace of Lord Pigot, as the first necessary step to the advancement of the Nabob's interest, that of acquiring possession of Tanjore. There must be an union of sentiments and interests, both here and in India, to effect this favourite scheme. The act of the council alone might answer a temporary purpose; but as soon as government was restored, justice would be done; the usurpers would be disgraced and punished; the Nabob would be disappointed;

and

and Tanjore would be restored to its lawful sovereign. Take the event in another point of view; if administration, operated upon by the same powerful arguments of the Nabob's agents here, had raised a faction among the proprietors to support that prince's pretension to Tanjore; and by their cabals in Leadenhall-street, had prevailed either on the Court of Directors, or the General Court, to send out counter orders to Lord Pigot not to execute the first, but to undo what he had done, still the restoration of the Rajah would have been effected, the business would have been already done, by the full and complete co-operation of the council: so that a change of measures diametrically opposite to those just executed, would be dangerous or impracticable; and the views of the Nabob would have been defeated in either event. But government having been brought over here, co-operated with the faction in council at Madras; and by its influence in Leadenhall-street, prevailed on the Proprietary to endanger their own interest, from motives of immediate convenience, and by that means to disgrace an honourable and able servant, and sacrifice the rights of a faithful ally, to objects the most base, mean and ignoble.

After going over this ground, he adverted to the facts on which the business of the day depended. He said, though the council seemingly unanimous, agreed to the restoration of the Rajah of Tanjore to his dominions, they secretly disapproved of the measure. He pointed out some instances, which, he said, proved this assertion beyond question. One in particular he dwelt upon. The former minister of the Rajah, when his country was delivered up to the Nabob, with his master's consent, became collector, or treasurer, of all the revenues of the Nabob. The royal revenues are, in the East, in fact, the rent or produce of the land; the Princes in the East being the sole land-owners, or owners of the soil. This man had lived in the above capacity in the court of Tanjore, for fifty years. When, therefore, Lord Pigot restored the Rajah, the Nabob refused to permit the treasurer to render up his trust to his old master, and commanded him to return to him immediately with his accounts. The treasurer looked upon himself as a servant to the Nabob, and was returning according to his instructions. But, the documents in the possession of the treasurer answering the end of title deeds, Lord Pigot demanded them for the use of the Rajah, and on the minister's refusal, ordered him to be apprehended. The order was not executed by the persons

entrusted till the minister had entered into the Nabob's territories, out of those of the Rajah. This was the great crime urged by the Nabob and his agents against Lord Pigot, as a breach of the amity subsisting between the Company and Nabob; and of the treaty of Paris, in which his rights were specially reserved; and this complaint being countenanced by the council, shewed plainly, among a thousand other proofs, that the Nabob was not so much displeased with Lord Pigot for apprehending or seizing the Rajah's minister in the Carnatic, as for restoring that injured Prince to his dominions in obedience to his instructions from the Company. Besides, his lordship was entirely innocent if the act had been as criminal as represented, for his orders were to seize him in the territories of Tanjore, and not elsewhere; the treasurer's local change was neither thought of or foreseen by his lordship; so that if it was an infraction of treaty, or the laws of nations, his lordship stood equally innocent, within the letter, as the spirit, for he issued no orders to apprehend him in the Nabob's country.

The Governor took notice of the scandalous means made use of to vilify Lord Pigot, and depreciate his character through the channel of the newspapers. [Here a loud cry of Hear! Hear!] In particular, respecting the article of presents. It is true, his lordship did receive a few trifling presents; he wished he had not. They consisted of a cow, an elephant, two mares, and a gold tea service, to the amount of 500l. which he presented to his daughter, then lately married. He presumed no man would say these were bribes received on the condition of sacrificing the interests of the Company, or the honour of the nation. The contrary was well known; it was indeed ridiculous to dwell upon it. His lordship might have almost any thing he could wish or desire, if he had consented to co-operate in the views of the Nabob. The attempts made both in India and here were no secret, whatever the real success of such attempts, in some instances, might be. If however, the facts could not be proved, the general effects of corruption were manifest. The Governor was very jocular on the persuasive powers of the worthy baronet below him, [Sir H. Mackworth] and the miraculous effects of his voice, in calling and collecting together persons from the most distant part of the kingdom, from the dock-yards of Portsmouth, Chatham, and Plymouth; from Bristol, Liverpool, Newcastle, and the county of Huntingdon; To do what? The most extraordinary

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of all extraordinary things, to reinstate Lord Pigot in his government, and forthwith to recall him. He pointed out the absurdity of the resolution carried for reinstating Lord Pigot; and instantly recalling him, and all those engaged in the subversion of government, under one general charge of public delinquency. Before he sat down, he said, he should move some resolutions; and, if carried, would follow them with a motion, that the chairman do move the House, for leave to bring in a bill for the better securing our settlements in the East Indies.

The Governor then moved six resolutions; the first, approving in strong terms of Lord Pigot's conduct as Governor of Madras; the second, approving of the conduct of the Court of Directors; the third, the resolution of the Court of Proprietors of the 11th of April; the fourth, approving of the first part of the resolution of the 9th of May, for restoring Lord Pigot; the fifth, for disapproving of that part of the resolution which orders his recall; and the sixth, approving of the recall of the counsellors whose names are mentioned in said resolution.

Mr. *G. Rous* seconded the Governor. He maintained, that the interference of administration, even independent of its power and influence in Leadenhall-street, had reached India, and would probably effect as much mischief in the latter place as in the former. This, he said, had been brought about by more ways than one; but chiefly by the commission from the Crown, enabling certain persons therein named to be plenipotentiaries, to treat with the country powers, and enter into treaties with them independent of the Company, and without consulting it. Thus, what was not done in Leadenhall-street, was effectually completed on the spot. The Directors were rendered cyphers at home, whenever they thought proper to differ from administration; their orders were defeated in India, whenever they carried any point here against the sentiments of the King's servants. These plenipotentiaries, he said, had done more mischief than perhaps the nation was aware of; they detached the country powers from the Company's servants, teaching them to look up to more powerful assistance. The Nabob of Arcot was a striking instance of this. Those plenipotentiaries of the Crown had filled him full of ideas of equality and independency; of equality with the King of Great Britain, as a sovereign prince; of independency of the Company, who were but the servants and subjects of his ally. These men, from views of ambition and self-interest, had filled

filled the Nabob's head full of similar notions with those they themselves were inspired with. They talked to him of the treaty of Paris, and the guarantee of his dominions by the court of France. Part of the consequences of the spirit thus raised, was the plan agreed upon between the Nabob and Mr. Hastings, for dispossessing the Rajah of Tanjore of his dominions, and annexing them to the Carnatic. The ill policy and injustice of such an outrage of every thing that ought to be held sacred and binding among men, struck the Direction with horror. They heard, with grief and astonishment, that the unfortunate and unoffending Gentoo prince was despoiled of his dominions, on a shameful, barefaced pretence of an arrear of tribute being due to the Nabob.—The Directors accordingly sent out Lord Pigot, for the express purpose of repairing the injury, and restoring the Rajah to his territories. What has been the consequence of this? Lord Pigot undertakes the execution of the task; he performs it, as far as depends on him, with spirit and fidelity. The effect of this new system of power is suddenly felt; a faction is formed in India, to counteract and defeat the instructions of the Court of Directors. To let matters rest there, would be only doing things by halves; the new influence created in the country must be cherished and strengthened, by encouraging appeals to Europe. The Nabob employs his agents and ambassadors; they conceal themselves for a while, till they form an interest here. One of them, [Mr. Macleane] announces himself as the agent of Mr. Hastings. He acts for him, but suddenly throws off the mask, and declares himself the agent or ambassador for the Nabob of Arcot. Thus a faction is formed, fomented, and nourished, both in India and Great Britain; and the Proprietors, willing to support their servants from such unconstitutional attacks, resist every attempt to seduce them in the first instance, till at length administration making it a public point, as well as private object, by the full energy and influence of the Crown, overturn every thing that had been effected by their directors at home, or their servants in India. He thought the council at Madras had acted from the most factious and corrupt motives; because they agreed unanimously with Lord Pigot on the propriety of carrying his instructions relative to the restoration of the Rajah of Tanjore into execution; and never differed from him on any general or particular measure concerning it, till Mr. Benfield, on his own account, and as trustee for those who acted along with him,

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composed the majority of the council, became a mortgagee of the revenues of Tanjore, by having them assigned to him for money supposed to be advanced to the Nabob. He observed, that his honourable friend who made the motion stated the particular part of the mortgage belonging to Mr. Benfield, at 30,000l. and the whole, for which he stands trustee, at 250,000l. but he begged leave to say, that this fell infinitely short of the real sum; for, the actual sum, for which the majority of the council were creditors of the Nabob, was upwards of 800,000l. which he could shew from proofs not to be controverted. The worst part of the whole transaction, and what corroborated every argument used, and deduction drawn by him, was, that this mortgage, or mock loan, took place after the council knew that Tanjore was to be restored to its rightful owner, which proved two things equally worthy of the attention of the committee; that is, that they acted from corrupt motives, in opposing Lord Pigot; and that they dared to do so on promises of indemnity both in India and England. Mr. Rous said, he wished sincerely that the House would take up the matter clearly distinct from all party considerations.

Sir *Herbert Mackworth* expressed his surprize, that the honourable gentleman should move the present resolutions so late in the season; and said, he was the more surprized, that he should think of bringing the affairs of the India Company at all before Parliament, when he recollected for several years past to have heard him uniformly declaim against the interference of Parliament in the affairs of the Company. The resolutions, he said, of the Company of the 9th of May, had been approved by all independent persons, and that only those who had particular affections for, or connections with, Lord Pigot, had disapproved. He maintained, that Lord Pigot had abused the trust committed to him, and had, contrary to all justice and form, suspended the two counsellors, by a trick as unconstitutional as indecent. He had therefore acted so extremely wrong, that it became necessary to recall him. On the other hand, the behaviour of the counsellors, in seizing and imprisoning Lord Pigot, to the total subversion of all legal government, was equally reprehensible, and deserving of censure. On that ground, the counsellors were likewise ordered to return to this country, to answer for their misconduct; but as the consequences of the misconduct of Lord Pigot, in suspending the two counsellors, and thereby obtaining a majority in support of

his measures, were not to be so much dreaded as a sudden subversion of government, and an usurpation in consequence of that subversion; to hold out an example, and assert the dignity of government, Lord Pigot was restored; but as equally involved in the most manifest violations of the constituti n of the Company, and abuse of power, his lordship was included in the general censure, or public disapprobation such a conduct deservedly brought after it. He defended the logical propriety of the terms in which the resolution [at the India House, for recalling Lord Pigot, &c.] was conveyed, and shielded it from the load of infamy the honourable gentleman who made the motion attempted to throw upon it. He said, that it might be easily conceived, and not at all improper, that a person should be reinstated to preserve certain forms, and to convey a consequential censure, and yet forthwith be recalled. It would be answered, probably, why not, after reinstating Lord Pigot, let him remain in his station for a month, or three, or six months, if required? He was of opinion, that as his lordship had abused the powers intrusted to him, he should not be permitted to retain them a day. While he was thus explaining and defending the resolution, the House began to be noisy, and laugh, on which Sir Herbert appealed to the chair on the indecency. However, it was but little attended to.—He then moved, by way of the previous question, "That the chairman do now leave the chair."

Right Hon. *T. Townshend* said, the honourable gentleman had observed upon the connections and particular affections of those persons who favoured Lord Pigot, and had remarked, that no independent man found fault with the resolutions of the court of proprietors for replacing and then recalling Lord Pigot; for his part, he declared himself independent on both sides of the House, neither had he any knowledge of Lord Pigot but from his public character, which he had heard from military gentlemen, and others, was most excellent. As to the India House, he had never been but once at their court, and he then resolved it should be the last time: he was therefore free to declare, that he disapproved the last resolution of the court of proprietors of the 9th of May, but most highly approved the first. It appeared to him, that the restoration of Lord Pigot to his government was a voluntary act of the court of proprietors, founded in justice; that the second, for recalling him immediately, was a most absurd contradiction of the first, and a measure brought about by

by administration; for the Nabob was encouraged at home: he had an ambassador here, not indeed with any pompous titles, state, and parade, but a gentleman of abilities, a Mr. Macleane, who he heard, as soon as he had effected the Nabob's business by the destruction of Lord Pigot, was to return back as ambassador from the King of Great Britain to the Nabob. It seemed likewise, that he had a third master, Mr. Hastings, the avowed enemy of Lord Pigot, though once his firm friend; that Mr. Hastings had recommended Mr. Macleane to the Nabob; and it might fairly be concluded from all this, that his highness and Mr. Hastings were the contrivers of the arrest and imprisonment of Lord Pigot. He was severe on the ambitious views of the Nabob, on the supineness of the Company's servants at home, and the influence of the ministry over them; in short, he represented the majority to have been collected by the minister's industry, for the second resolution of recalling Lord Pigot; adding, that he should not be surprized to see Mr. Macleane, and the gentlemen of the council who subverted the government of Madras by the most daring act of violence, brought into Parliament hereafter as borough members. So far from thinking Parliament ought not to interfere, or that the committee should be broke up on account of the late session, he thought Parliament had not a moment to lose, to prevent a civil war, and the arbitrary power of the Nabob. He had always voted for the bill for regulating the East India Company, and always should: he thought them competent to manage their trading business, but not to govern large territories, independent of the Parliament of Great Britain; and the moment they became influenced by the King's ministers, which it was evident they were, it was time to interfere.

Mr. *Wombwell* defended the resolution of the court of proprietors of the 9th of May; read extracts from two or three of the bye-laws of the Company, which directs that the minority of the council should be bound by the majority, and that when there is an equality of voices, the fate of the question shall be decided by lot; from which he drew this inference, that as Lord Pigot had broke through the bye-laws of the Company, he had broke through its constitution, and had been guilty of positive and direct disobedience; he was of course no longer worthy of their trust or confidence. He spoke of the flourishing state of the Company; said he did not wish that Parliament should interfere, but when there

was real occasion, as there was at the time of the regulating bill, which he called a most wise and timely interposition, and saved the Company and proprietors, he said, from dissolution and ruin. The effects were apparent in more instances than one: the proprietors might sleep on their pillows with ease and security: the Company was rescued from impending bankruptcy, and the widows and fatherless from penury and distress. The face of things was now, thank God, altered; the affairs of the Company were in a most flourishing and prosperous condition. The debts in Bengal were paid off; the investments were made; the bond debts were reducing; in truth, the conduct of the friends of the present motion was uniform in its effects, should their doctrines prevail, though seemingly inconsistent; for as at one time they were against the interference of Parliament, when it proved the salvation of the Company; so now they pressed a parliamentary interference, when it promised to be productive of the very worst consequences. He read an extract of a letter, relative to Lord Pigot's conduct towards one of the council, a Mr. Floyer, who at first pressed to be sent to one of the out-presidencies, but was refused by his lordship, in order to keep him for the purpose of supporting his measures in council; but as soon as he differed from him, was for getting rid of him, and told him, that no man should ever rise in the service who opposed him. [The House called for proof of this fact, but none was produced.]

Mr. *Fox* simplified the question, and reduced it within as narrow a compass as possible. He justified Lord Pigot principally upon the justification and representations of his enemies and persecutors; upon the accounts transmitted home by Mr. Stratton, and the other counsellors, who stood in the same predicament. He contended, that this was evidence not to be controverted, or explained away. It was a record against the parties, the truth and authenticity of which they could not now dare to appeal from. He said, the effect of this evidence throughout, led to the most certain self-conviction. He gave the highest encomiums on the virtues and military talents of Lord Pigot; and was so very able, pointed, convincing, and severe, that several of the members, in a transport of approbation, forgot themselves so far, as to testify it in accents of Bravo! Hear him!—which they accompanied with a clapping of hands [a conduct unprecedented.] He observed, that there was a remarkable deficiency in the *House*, which shewed the opinion that men in office had of

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the business. One learned gentleman [the attorney-general] was ill; the next in the law [Mr. Wedderburne] did not choose to be present, to risk defending such a proceeding as that now condemned; he supposed he too was ill. A noble lord, who was upon every occasion so anxious to discountenance rebellion in the west, might have been supposed an equal enemy to it in the east, but he is also absent—in the country. As many, however, as are absent from this dirty business, there are enough, he feared, present, to ensure it success.

The Lord Advocate [Mr. *Dundas*], in answer to Mr. Fox, observed, how unparliamentary it was to call on a gentleman, as Mr. Wombwell had been called on, for proof of what he said, as if nobody was to advance any thing in that House without proof at hand; and on the other side, how absurd it was to give the theatrical applause to a gentleman for a ready turn. He remarked, that the resolution of the last court of proprietors was when 700 were present; whereas the preceding one was when there were no more than 500; consequently the last was the genuine opinion; for as to ministerial influence, as he knew not the fact, he could not admit the supposition. That the resolution of recalling all, he thought a very wise one, since it was certain they had fallen into many factions; and when once that was the case, no good could be expected from continuing them; besides, the future and proper inquiry that should be made into the transaction, could not be had without Lord Pigot's assistance here: that if it was found he was injured, there were means enough in this country to reward him. Another circumstance, he said, was the impropriety of replacing Lord Pigot in a capacity of revenging himself upon all who had offended him. Would you let loose Marius on the friends of Sylla? It was not a desirable situation; it was not desirable for human nature to be placed in: his character, if it was so great as represented, might suffer in such a situation: he might be tempted; for which reason it was not at all desirable to place him in it. That as to the ill consequences of his removal, it seemed to be imagined that there was to be no government, if he was out of it; but that was begging the question; besides, the orders for his recall might be gone to India, and to contradict them now, might prove inconvenient and ridiculous.

General *Conway* said, he lamented the fate of the noble lord, who must continue to lie at the mercy of his most inveterate enemies and persecutors without a possibility of redress, till re-

lieved by orders to be sent from Europe. He remarked, that the first resolution agreed to at the India House contradicted the second, and the third contradicted itself.

Mr. *Wombwell* rose to explain, and moved, that some of the papers on the table might be read; particularly a copy of the minutes of what passed between Lord Pigot and one of the counsellors at Madras, Mr. Floyer, in council, relative to a difference of opinion.

Mr. *Burke* rose and said, he had been twice on his legs; first, when the right honourable gentleman [General Conway] under the gallery spoke; and a second time, when the last honourable gentleman, a chairman of the East India Company, stood up, to move for the reading of the papers. From that gentleman's situation, and his means of knowing the true state of affairs in India, he expected to have heard something interesting on the subject, and accordingly relinquished his turn; but now that he disappointed that expectation, by forbearing to say a syllable, but to read papers which were open to the perusal of every member present, he was in the judgment of the committee, whether he had not a right to be heard.

Mr. *Wombwell* replied, that he did not mean to tire out, and fatigue the committee, with reading a voluminous state of facts already known, as had been suggested by the honourable gentleman who spoke last. He only pointed to a particular circumstance which he asserted in debate, and was called upon by the gentlemen on the other side to prove; and wished, therefore, it might now be corroborated by the minutes taken in council at the very time the matter happened; and that in the presence of the parties. It was a collateral proof; it would confirm the conversation which passed; and which, he asserted, had passed; and therefore, he thought he was fully within order in insisting to have any papers read, which might tend to, or directly support facts stated in debate.

[The clerk began to read; the House began to be noisy.]

Mr. *Ellis* observed, that the chairman ought to be supported in maintaining order; that the papers now reading were by a motion in the committee; and that the committee ought to support its own act.

Mr. *Burke* again rose, and urged his former plea for being heard, in preference to the papers now reading. He said, it was impossible to contend further, the honourable gentleman was in possession; if, however, he intended by that means to

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tire and thin the House, he was, for his part, should the honourable gentleman think proper, contented to wait till all the heavy folios now lying on the table were read through; and, to prepare himself for the task, would send for his night-cap.—[Here a cry of go on, go on!] Mr. Burke then proceeded, and in answer to the Lord Advocate, he affirmed, that Lord Pigot was a man of too nice a sense of honour to accept of any salvo it was in the power of administration to bestow; even though they covered him with ribbons and court favours, instead of a single ribbon and a pension. He observed, that he never heard of so extraordinary a species of proof, as what the honourable gentleman who moved for the reading of the papers produced. He asserted a fact of Lord Pigot's ill treatment of the council, and in order to prove it, he reads a letter from one of the council, that is, from the party, which is another assertion of the same thing. There's proof for you! But it may be complete and substantial, according to the ideas which he recommends to the great body he is at the head of. However, what the gentleman thinks, or what he so proves, is of very little consequence in this business. But the learned gentleman [the Lord Advocate] has attempted to reply to some of the ablest orations that ever were heard in this or any other assembly. The learned gentleman's argument for recalling the whole body, because factions had broken out among them, was, in his judgment, the most frivolous imaginable. If this was to be adopted as a rule of conduct, which it must be, as the argument clearly went to that, all governors and their councils must be recalled as soon as factions broke out, which would be preposterous. If this mode of reasoning was good; the Governor General of Bengal, and his council, should be recalled, since there were the most outrageous factions among them; accusing each other of the most enormous crimes; Why not recall them? That the honourable gentleman knew better; for Mr. Hastings had the Nabob of Arcot for his friend; a most powerful friend in the court and ministry of England; so powerful, that for himself, if he wanted any favour of great magnitude, he knew of no canvasser he should so much wish for as that Nabob. That this same prince of the Carnatic, who, it was plain, would soon be our master in all those territories, would be delighted to hear the doctrine laid down by the learned gentleman, that governors, &c. are to be recalled when factions arise in their councils; for he would never find the least difficulty in bribing a majority, the mo-

ment a governor, if ever one in future, should be hardy enough to oppose his will: his treasures would at once secure factions, and factions would secure his recall, which would be a very pretty situation for any governor and council to be in. The learned gentleman's other arguments, of not restoring Lord Pigot for fear of his revenge, was of the same complexion. It was surprizing so learned a gentleman should use no arguments but what went too far; they proved so much, that they tumbled all proof about his ears. So a governor is to be illegally, cruelly, and without any adequate reason, deposed, imprisoned, and his life threatened, by a bribed corrupted council, and you are not to restore him, lest he then uses his power without moderation. Was there ever so farcical a system! that the principle of doing mischief was to be maintained, and its consequences endured, lest by disarming the authors, and restoring authority to its rightful possessors, you might run the risk of having it exerted too rigidly on the delinquents. If this was logic, there was at once an end of law and justice.

Lord *North* treated the power of the Nabob of Arcot, his intrigues in India and England, and the arts of his agents and ambassadors, as the ideal, ill-founded suggestions of ill-informed or designing men. He represented the Nabob as a poor, needy, miserable, ill-treated, dependent prince, without power, protection, or internal resources; and therefore, totally unable to either influence or bribe; totally incapable of persuading by motives of fear, or through the means of influence or corruption. He defended the recall of Lord Pigot, and said, his lordship had expressly broke through the late act of Parliament for regulating the affairs of the East India Company, which likewise annexes the punishment to the breach of it. That act says, That any governor, or other officer, civil or military, who shall accept of any present after such a day, shall forfeit double the value, and be incapable ever after of serving the Company. This was the letter of the act, and his lordship had most certainly incurred the penalty and the consequence. It was not a question concerning the *malum in se*; whether accepting the tea-service was or was not a crime. It was a mere question respecting the *malum prohibitum*. Had his lordship offended, or not? Clearly, therefore, in that narrow view of the question, distinct from every collateral consideration, he did not see how it could remain a subject of debate for an instant, whether his

his lordship was longer eligible to serve the Company in any civil or military capacity.

Mr. *Dempster* said, the noble lord's argument was a mere quibble, applied to the case of Lord Pigot, and the character and situation of the donor. He attributed the whole of the troubles at Madras to the intrigues and corrupt arts the Nabob used to raise a faction against his lordship, both here and in India.

Mr. *Macdonald* allowed, that there were strong reasons to believe the council were influenced by corruption; but as there was no direct or substantial proof before the House, the House could only equitably judge according to the proofs on the table, which in his opinion fully justified the resolutions of the general court.

Governor *Johnstone* replied to some objections made to his state of the case; and Mr. Rous closed the debate. At one o'clock in the morning the question was put, when the committee divided, ayes, 67, noes 90. A motion was then made, That the chairman do now leave the chair, which was agreed to without a division.

May 23.

A petition of John Bourke and John Barnes, members of the committee of the company of merchants trading to Africa, was presented to the House, and read; setting forth, that the petitioners are committee-men for the direction and management of the affairs of the African Company under the authority, and according to the provisions, of an act passed in the 23d year of his late Majesty King George the Second, intituled, *An Act for extending and improving the Trade to Africa:* and that the present committee doth annually receive from Parliament considerable sums of public money, for the faithful application of which they are responsible; this public money they would be most unworthy to hold, and it would be highly improper for the House to intrust it in their hands, if they stood justly chargeable with any abuse whatsoever; and that the petitioners having a legal tenure in their said corporate office, during the term, and under the conditions appointed by the said act, are, by the law of this land, intitled to protection for their corporate character, without which protection they will be unable to perform their duty; they have also a property equally to be protected, by the same law, in their honest fame and reputation as private citizens and merchants; their private credit, they humbly represent to the House, must be affected to their extreme

treme detriment, should any misconduct or unfaithfulness, particularly in a pecuniary and commercial trust, be publicly imputed to them, and not publicly disproved; and that the petitioners observe, with the utmost concern, a paper laid before the House, purporting to be "A return from the commissioners for trade and plantations, relating to the general state of the trade to Africa, and signed George Germaine, Soame Jenyns, Robert Spencer, Bamber Gascoyne, Whitshed Keene, C. F. Greville, and William Eden;" and that, in the said return, the following heavy charge against the committee for conducting the said trade is made, and pretended to be supported by evidence, viz. "It appears, so far from this trade (meaning that part of the African trade under the direction of the committee) having been carried on in a free and open manner, for the benefit of the public, according to the intention of this honourable House, and agreeable to the spirit and tenor of the act which constitutes the present committee, that a private trade, directly tending to a monopoly, hath been set up and established by the governors and chiefs of the forts in Africa; and that this private trade, so injurious to the interests of the public, hath been carried on by them in conjunction with persons at home, some one or more of whom have at the same time been members of the committee above-mentioned;" and that the petitioners, members of the present committee, deliberately weighing and considering all the particulars and circumstances of the said charge, do affirm to this honourable House, that the same (so far as the petitioners are, or may be, comprehended therein, by participation, connivance, or neglect) is absolutely false; and the petitioners, in justice to the character of Daniel Wier, Esquire, commissary-general in America, a member of this committee, and now abroad on his Majesty's service in a most important trust, do assure this honourable House, that they have abundant reason to be persuaded, that the said charges, with regard to him, are equally groundless and injurious; and if any other committee-man has acted contrary to his duty, and contrary to the true intent and meaning of the said act, the petitioners are not acquainted with or privy to the same; and that the petitioners, with the feelings of injured, and the confidence of innocent men, do supplicate from the House a full and strict inquiry into their conduct, offering themselves to the heaviest punishment which the just indignation of this House can inflict, if any part of the said charge, so far as regards them, can be made good

good by the said commissioners of trade, or by any other persons, and most humbly request, that they may be confronted, as the rules of justice require, with their accusers; and the petitioners, in order to facilitate the inquiry of this honourable House, do wave the privilege of all accused persons, in not being compellable to answer such questions as may criminate themselves, and are ready, most cheerfully, to give full and satisfactory answers to all interrogatories, without exception, which this House, or any committee thereof, shall think proper to propose to them; and that the petitioners represent to this honourable House, that the said commissioners of trade are appointed, by the African act aforesaid, supreme judges and comptrollers in all cases of abuse or misbehaviour in the African trade, with the fullest powers over the committee and all the servants of the Company, without exception, and are authorized by the said act, "to remove any of the said committee-men, or any servant appointed by them, who shall be guilty of any misbehaviour contrary to the true intent and meaning of the said act;" and, in order to enable the said commissioners of trade to execute with effect the said trusts and powers, the petitioners, as members of that committee, are also directed, by the act aforesaid, to give to the said commissioners "a just and perfect account of all their transactions, once a year, or oftener if thereunto required by the said commissioners, or any three or more of them, in which shall be contained an account of all the monies received and disbursed by the said committee, or their order; and also an account of all the orders and instructions given by the said committee, as well to their officers and servants in Great Britain, as on the coast of Africa, and all the answers given thereto by the said officers and servants employed by the said committee, and of all other matters and things whatsoever, which shall be transacted by the said committee;" and now the petitioners most humbly represent to this honourable House, that, if there be a foundation in truth for the many and most gross abuses stated to be prevalent in the management of the Company, by which the African trade is asserted in the said return to be so much impaired and endangered, the means of redress and correction have always been in the hands of the commissioners themselves; and the petitioners humbly conceive, that it is a most unwarrantable proceeding in the said commissioners, who are authorized by act of Parliament to judge the committee-men, and to punish them if delinquents, to omit the performance of this

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duty, and to charge those whom they had power to order and control, with the consequences of their own neglect; and that the punishment and remedy, appointed by act of Parliament for such misbehaviour as is stated in the said return, is to remove the committee-men charged therewith from their employments; and the mode of proceeding prescribed by the act is, that "whenever any committee-man shall be charged with misbehaviour in his employment, the commissioners for trade and plantations shall summon such committee-man to appear before them, and shall, in case he attends, hear the said committee-man, and upon his attendance or default, examine into the truth of the said charge before they shall remove him from his employment as aforesaid;" but the petitioners represent to this honourable House, that the commissioners of trade, instead of summoning and hearing the petitioners, and removing or acquitting them according to their deserts, did, contrary to the true intent and meaning of the said act, and to all the rules of equity and justice, institute of their own authority a secret inquisition, and did privately examine Richard Camplin, secretary to the said committee, and did, without any warrant from law, as the petitioners conceive, enjoin him to keep secret the matters on which he had been examined; which injunction the said Richard Camplin did comply with, and refused to give the petitioners any information thereof, although by his duty, as the confidential servant of the African Company, he was bound to inform them of any accusation or proceedings against them; and when the petitioners did repeatedly desire of the commissioners of trade, that they might have a copy of the said report, or the heads thereof, the said commissioners did absolutely refuse to comply with the said just and reasonable request; and that this method of proceeding is not only injurious to the petitioners, but tends to misinform and misguide this House; the order of this honourable House, is, to lay before them a general state of the trade to Africa; the return is a partial state, relating only to that particular district which is under the management of the African committee, which, the petitioners assert, must tend to produce a fallacious and delusive state of the said branch of commerce; and the petitioners most humbly conceive, that, even supposing this return did not contain matter tending to criminate any persons in a public trust, yet, as a mere state of the trade, it ought to have been formed on some sort of examination or *inquiry of the* committee-men, who are chiefly concerned in

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the management of that trade; by declining this natural, obvious, and necessary inquiry, and by proceeding in a secret and surreptitious manner, the petitioners assert, and engage to prove, that a most erroneous as well as imperfect state of the African commerce, is laid before this House; for the petitioners affirm, that the said trade, until the troubles in America had come to their height, was in a most flourishing and growing condition; and that, therefore, all causes assigned for its decay must, as such, be improperly assigned, the effect itself not existing; and that the petitioners do not assert that, in such a remote and complex object as the trade and settlements under the management of the African committee, no abuses or errors whatsoever do now, or have at any time prevailed; but they do insist, that no abuses have ever been complained of, and proved to them, to which they have not given such remedy as the case required, or their legal authority did admit; and they most humbly submit to the wisdom and justice of this House, the mischievous consequence inevitable to every administration of public affairs, from the highest to the lowest, if persons shall be encouraged to pass over the proper department for complaint and redress of grievances, and then to criminate, for a defect of such redress, that office to which application has never been made; and the petitioners cannot avoid observing to this House, that, in the vast multiplicity of abuses, grievances, and mismanagements, with which the said return is filled, scarce one date, place, or person, is specified, so as to enable the petitioners to discover the delinquents (if any delinquents there be), or to remove the abuse (if any abuse exists), nor have the commissioners of trade thought proper to communicate to the committee the names of the accusers, or the particular circumstances of the accusations, by which alone the nature of the charges could be ascertained, or their credibility established; the petitioners therefore do most humbly and earnestly implore the justice of this honourable House, that, for their present defence and future direction, the whole of the evidence on which the said return has been founded, together with the names of those who have witnessed the said several facts, be laid before this honourable House, or be made otherwise accessible to the petitioners, as they find themselves much injured, and the trade under their management greatly misrepresented, by the said loose and general charges; and the petitioners, lastly, beg leave to represent to this honourable House, that, in the confused body of matter contained

in the said return, several things are alledged as grievances, which the petitioners have always apprehended, and do still conceive, to be strictly legal; and other matters and practices are complained of, as detrimental to commerce, which the petitioners apprehend to be extremely useful, if not necessary to it; these last matters the petitioners do request leave to state at the bar of this honourable House, most humbly desiring the opinion of this House on the merits of the same, being determined to proceed in all things in the most exact conformity to the sense of this House; the petitioners therefore humbly pray, to be heard by themselves and their counsel, against all charges directly or indirectly made against them, or against the general administration of the African Company, in the said return, as also to the state of the said trade, and to all other matters and things stated in the said return, or the papers thereto annexed, in order to obtain thereby the exculpation of their injured character, and such other relief as this honourable House in its wisdom shall think fit to give.

Ordered, That the said petition be referred to the consideration of a committee of the whole House.

Adjourned to the 26th.

May 26.

In a committee of the whole House on the servants tax bill, Sir *Charles Bunbury* began the debate by *moving* to add, after the words *servants*, the words, "of sixteen years of age and upwards." In opening his motion, he said, it was impossible to consider of the taxes without turning his mind to the occasion of them. That the American war, though begun upon the justest principles, was no longer justifiable in prudence or in policy; that he thought it necessary before the close of the session to declare his opinion upon this important subject, lest administration should be misled, and imagine that all those who, like himself, had supported government in this unhappy contest, were of the declared and uncontradicted opinion of that honourable member, a brother country gentleman, [Mr. Vyner] who, on the day the army was voted, had conjured the noble lord [Lord North] to remember that "taxation was the object of the war;" that in hopes of forcing the Americans to contribute to the public burthen, he then voted for the large number of troops proposed, and would give thirteen shillings in the pound, rather than consent to any peace, if that object was not obtained. I Sir, (said Sir Charles) who am, I flatter myself, as zealous a friend to government and my country as the honourable gentleman,

tleman, who have as high an opinion of the abilities and good intentions of the noble lord at the head of administration, do implore him, not to remember, but forget the object of the war; and being convinced, that a continuation of this disastrous contest must be ruinous to Great Britain, do beseech him to use that influence he so deservedly possesses with his gracious Sovereign, to induce him to offer such terms to the deluded Americans, as may regain not only their obedience, but affections; to intreat him to employ his faithful servants, Sir William and Lord Howe, as ambassadors rather than warriors, as ministers of peace, not as ministers of vengeance.

Let the noble lord indulge his own humane disposition, as I trust he will, in following this advice; he will not only meet with the zealous support of an unimportant individual like myself; he will, I confident, meet with that of a large majority of this House; and what is still more, he will be gratified with the most pleasing of all rewards to a liberal mind, the heart-issuing applause of an approving and grateful nation.

I profess, I am not so sanguine as to expect a revenue from a ravaged and impoverished country; I am not so obstinate as to persist in playing a game, at which I am convinced I must be a loser; I am not so fine a gentleman as to despise the vulgar adage, which tells us, "It is folly to throw good money after bad;" I am not, therefore, for squandering any more solid British guineas, with the doubtful and distant hope of hereafter obtaining some flimsy American paper; I am not for lavishing more millions in search of a peppercorn, which perchance we never may be able to wring from them.

It is, indeed, Sir, a melancholy consideration to those gentlemen who many years ago voted for laying a duty on stamps in America, that in pursuit of that object, unhappily entered into, and fatally persevered in, we are now on the eve of deliberating on a bill for laying an additional duty on stamps in Great Britain.

It is a mortifying reflection to other gentlemen, who have been led to support this ruinous war, from an idea that the honour and dignity of the country required it; that in attempting to maintain national dignity, they are driven to the necessity of lowering the dignity of the individual man, and that by the proposition of the noble lord now before us,

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that proud animal is made a taxable commodity, and reduced to the humiliating level of salt, soap, and candles.

For man, in this oppressed state, I stand up a feeble but zealous advocate, and trust, if he be not entitled to favour, he will at least have the same measure of justice as his fellow-sufferers, salt and candles; and that an ounce of him will not be rated as high as a pound; in other words, that a boy will not pay the same tax as a man.

I cannot help considering this indiscriminate taxation of men and boys, as owing to an inattention in the framers of the bill, as it is directly contrary to the principle of almost every other tax bill, in which duties are levied in proportion to the value of the commodity, a principle founded in reason and equity, and sanctified by usage. Not to annoy the House with innumerable instances which might be brought in support of the doctrine I maintain, I only beg them to consider the distinctions made the other day by the noble lord, when he stated the new duties upon the different kinds of glass—the green, the crown, and the plate glass; the duties were proportioned to the value and the size—the mode was universally approved, but I apprehend it would have caused general astonishment, if the noble lord had proposed to lay an equal tax on the magnificent plate glass which adorns the stately drawing-room of the fashionable dame, and the little square bit which in the servants' hall enables her footman to tie his bag on. And yet this proposition would not have been more inequitable than that now under consideration, whereby you are required to pay the same tax for a little urchin, and his lofty, able, and far more useful parent.

The boy is certainly an inferior and less valuable servant, he ought then to be taxed in proportion to his worth; that persons, who, from their circumstances, or choice, are inclined to take up with an inferior servant, may not be equally assessed with those whose ample fortunes enable them to retain the most accomplished.

As taxes on inanimate things seem not to suffice, and as this devouring war has already produced this tax upon mankind, if it should continue, which God avert! it is probable you will have other duties proposed on animated beings. If this should be the case, and a statesman was to offer to lay an equal tax on animals in an infant and in an adult state, would you not be shocked with the glaring injustice of such a proposition? Would it not strike you as inequitable and absurd

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to levy the same duty on a lamb and a sheep, a pig and a hog, a chicken and a fowl, a gosling and a goose? And surely it is equally unjust to make no distinction betwixt a boy and a man!

The noble lord [Lord North] when he opened this proposition, remarked that the expenditure of every gentleman was a fair presumptive proof of his income. In this, as a general maxim, I will agree. He added, that the number of servants was a test of his expenditure, and that, consequently, every person paying so much per head for his male servants, would be taxed in proportion to his income.

In this additional argument there is much fallacy. The number of servants can never prove the expenditure; it is the quantum of wages allowed to such servants. If ten boys can be kept for the same sum as five men, which (wages, board, and clothing considered, I maintain they may) the gentleman who keeps these ten boys is not richer (to judge by the test proposed by the noble lord, that is, his expenditure) than his neighbour who keeps five men, and ought not consequently to pay a greater tax. It necessarily results, that the number of servants is no test of the expenditure; and I trust the distinction I have contended for, appears reasonable, and that if the exigencies of the state require us to lay a tax of one guinea per annum upon men servants, we ought in proportion to lay a tax of half a guinea per annum on every male servant under the age of twenty-one. But as this regulation may occasion more difficulty in the collection, and as the laying any tax upon youths under sixteen, who are of little service in families, may prevent their being taken into gentlemen's houses, as they now very frequently are, in compassion to the indigent parents of such poor boys, I propose that all male servants under sixteen years of age, should be exempted from paying any tax; and in compassion to the state (which is indeed an object of pity whilst this wasteful war continues) that those of sixteen years, and upwards, should pay the full tax of one guinea per head, as if they were arrived at the age of one and twenty.

Mr. *Vyner* spoke to the American war, and said, that though he should be convinced by Sir Charles Bunbury very readily, if he gave his opinion about a horse, provided he was sincere; yet he was not persuaded by him, or by what he had said, to give up the American war, though he wished to see an end of it; neither did he insist upon taxation as the mode of revenue; but if it could be got in the way of trade,

or in any other mode, it would satisfy him: but for the present, till something could be obtained, the war must be supported; and therefore he was against the motion, thinking the tax a very proper one, and the more so, as he believed it would be a very productive one.

Right Hon. *T. Townshend* said, he was glad to find country gentlemen coming to their senses so far, as to see the fatal consequences of this American war, which he was sure they would do more and more; and that Mr. Vyner, though he would not be persuaded by any arguments, would by his feelings be induced to give up the war, as well as the causes of it; but that he, as to the motion, was not convinced so far, as to approve of it, though he rejoiced at finding the sentiments of gentlemen changed, which he believed would be the case more and more every day; that he rather liked the tax, especially because he thought it would be a productive tax.

Lord *North* said, he hoped the opinion would not prevail so generally, that the tax on servants would be so productive; that he hoped it would answer the sum it was taken for, but begged it might not be taken for granted, that a tax which was merely experimental would turn out so abundant. That as to the motion, he was against it, as it might affect the tax; nor did he see the analogy of the argument to the tax, for it went rather to the weighing boys, which perhaps Sir Charles Bunbury might be used to, with lambs and chickens, and taxing them proportionably, than to exempt them; and that as he thought they were taxable objects, and employed very much in a business that could well afford the tax, and was a proper object of it, he was against the motion.

Sir *George Yonge* begged leave to join issue (with Lord North) in that part of the argument, which fixed the merits of the question upon the consideration of boys being taxable objects. That it was not fair to the argument, to rest it solely on the invidious part of the consideration, which respected boys kept for horses at Newmarket; that he was no friend to Newmarket, never was there, and never would be there for the purpose of gaming or running horses; but he thought all that out of the question. He thought the question truly stated, was, whether boys were taxable objects? that to determine this, the sense and spirit of the legislature ought to be consulted, which upon no occasion had considered boys as public objects, on which the law ought to fall. That in the commission of crimes, the very tender age took away guilt; that

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in all the militia laws, and the highway laws, children were exempted; that particularly in the parochial laws, children were deemed not their own masters, nay, they were compelled to be bound as servants for their instruction; and that it was a contradiction to say in one law they must be servants, in a country where all servitude, with that of age was voluntary, and then by another law, to say, they should be taxed for being servants. He therefore contended, they were not taxable objects; that the law seemed to think so till twenty-four years of age, but this motion tended only to exempt them till ten. That he could not help rejoicing to find country gentlemen growing tired of this war; that the gentleman, in particular, who said he would not be persuaded by the other who made this motion, did yet agree with him without being persuaded, probably being forced by the nature of the thing; for he had once pledged his thirteen shillings in the pound for the express purpose of taxation, but now confessed that would not do; that he would not contend for it, but be contented with a revenue obtained in the way of trade. If so, could he forget that this country had an ample revenue obtained in the way of trade before this unhappy war began, by our regulations, our restrictions, and our monopoly of the American trade? That, if so, this war was unnecessary, it was unjust, and impolitic, and we had been wasting our blood and treasure without a cause, and that he left to those who were still for supporting it, to reconcile this contradiction.

Mr. *Fox* said, he thought boys ought not to be taxed; though he might be thought to speak partially, yet he only meant to shew, that Lord North's argument was not conclusive. He went on to reprobate those arguments, and concluded in reprobating the minister and his adherents, with the wilful dismemberment of the empire.

The House divided; for the motion 17, against it 101.

Then in the course of the bill explanations were called for, and amendments made on argument, chiefly maintained by Mr. Powys, Mr. Baldwin, Sir James Pennyman, Sir George Yonge, and Mr. Townshend; the latter, in particular, made this motion, "Provided always, that no such duty shall be assessed, raised, or levied, on any master or mistress, being householders, who shall keep one male servant only." To prevent any deficiency of the revenue by this exception, Mr. Townshend further proposed, to double the tax to be paid by masters or mistresses for men cooks, confectioners, valets-

de-chambre, and other such servants kept for the purposes of luxury; and likewise a tax upon places of public diversion. These were opposed by Lord North, Sir Grey Cooper, Mr. Cornwall, and Mr. Jenkinson. The objections chiefly respected particular classes and descriptions, such as gardeners, chairmen, game-keepers, &c. &c. &c. Then Mr. Dunning moved to except parish apprentices, and was seconded by Sir George Yonge, which was agreed to, stinting the number of apprentices to two. Sir George Yonge next opposed the clauses relative to the surveyors, with the power of surcharging, with a reward of a guinea a head for all surcharged, and not disproved by the master or mistress; and called for an explanation of the two clauses of the bill, which seemed to contradict each other; one fixing the test of taxation on the list to be given in by the master, the other clause fixing it on the greatest number of servants employed for six months preceding Michaelmas next, which gave an operation to the act prior to its commencement. Sir Grey Cooper, Mr. Cornwall, and Lord North, attempted to explain and reconcile this, but could not, owning it had escaped them, and desired it might be postponed till Wednesday the 28th. It was so; and on the 28th, Lord North provided a remedy, by leaving out the clauses, and inserting one which directed, "That the commissioners should not meet to act till April 30, 1778, and the tax should not be payable till Michaelmas, 1778." Thus the tax seems to stand over in suspense for two years. Lord North then said, he must insist on the clause of the surveyors, with the reward of a guinea for surcharging. Sir George Yonge said, this was bribing the officer to be oppressive and vexatious; that it was new, unnecessary, and unjust; that the window-tax acts, by the powers of which this was to be executed, had no such thing, and yet those acts were well executed; and there was no reason, why, by the same powers, this tax should not be levied without this new and dangerous precedent. He was supported by Mr. Baker, Mr. Powys, Mr. Baldwin, and Mr. Townshend. The House divided—Negatived; and then Sir George Yonge contended, that as the officer was thus to be rewarded for his diligence, he ought to be punished for vexation, and moved a clause for that purpose, which was agreed to. Mr. Powys also moved a clause, that the surveyors should not enter houses, out-houses, or gardens, which was agreed to, and so the bill was gone through.

May 27.

In committee on additional stamps, &c. No debate.

May 28.

A petition of Gregory Olive, John Taylor Vaughan, Arthur Jones, and James Bogle French, was presented to the House, and read; setting forth, that the petitioners are of the nine persons annually chosen by the company of merchants trading to Africa, constituted by an act of the 23d of George the Second, and are trustees to receive, apply, and account for the monies granted by Parliament for support and maintenance of the forts and settlements upon the coast of Africa, and to superintend the conduct of that company's servants to whose care those forts are committed, subject to the control of the lords commissioners for trade and plantations, who are by that act directed, upon complaint of misbehaviour in any of the said committee, to examine into the cause of complaint, and, after hearing of the party in his defence, to dismiss him from his office, if he shall appear to have deserved such punishment; and that, to the best of the petitioners' information, recollection, and belief, there has not been, from the time of that company's being formed, now twenty-seven years, a single instance of the dismission of any of the committee; nor has there been, for some years past, any complaint to them of the behaviour of the company's servants: and the petitioners, conscious of their own integrity, and fully persuaded of that of the rest of the present committee, take upon them to aver, not only the whole are innocent, but have executed the functions of their office with the greatest fidelity, and to the extent of their ability; notwithstanding which, the petitioners have the grief to observe, a paper has been laid before the House, entitled, "A return made by the lords commissioners for trade and plantations, to the honourable House of Commons, relating to the general state of the trade to Africa, &c. &c." purporting that the African committee, and other the said company's servants, have been guilty of great malversation and mismanagement, without stating either the names of the accusers, or any circumstances of the accusations, sufficient to enable the persons also indiscriminately accused to manifest their innocence; and the petitioners apprehend themselves bound to observe, the said return contains many matters, stated as abuses, which are not so; and that the mode of inquiry adopted by the lords commissioners for trade and plantations, has been very unusual,

and, as the petitioners conceive, highly unwarrantable; the committee having been refused to be heard, either in explanation or defence, touching the allegations in the said return; their secretary, attending with their books and papers by their orders, having been enjoined secrecy by the said lords commissioners in this matter of public inquiry; and the whole evidence on which the said return stands founded having been taken in private, and remaining concealed; and the petitioners are further impelled, by desire of performing their duty, to aver the direct tendency of the said return, is to misinform, misrepresent, and mislead, all which they attribute to the committee not having been permitted to confront the accusers, nor examined in reply to the accusations; and therefore praying the House will order the whole of the evidence taken by the lords commissioners for trade and plantations, in the course of this inquiry, may be produced, and made accessible to the petitioners; and that they may be heard, by themselves or counsel, at the bar of the House, concerning the same and the said return, on the part of themselves and the rest of the committee of the company of merchants trading to Africa.

Ordered, That the said petition be referred to the consideration of a committee of the whole House.

Mr. *Luttrell*, who was himself the original mover of the consideration of this return from the board of trade, now rose to object to the speaker leaving the chair; apprehensive lest, by a long train of crimination and defence of the parties therein charged, which might perhaps take up the few days that remained for public business, the main object of the legislature, the general state of the African trade, would be totally lost sight of for the present session. Mr. Luttrell strongly reprehended the commissioners of trade and plantations for bringing in an abstracted, partial report relative to scarce one-fourth part of the whole African commerce (considering either extent of territory and coast, or present returns of profit) when the address from Parliament to the Crown, for an inquiry into the trade of Africa altogether, was as clear and peremptory as the English language could express. He was indeed of opinion, that, with such strong charges against the gentlemen of the committee, individually on the part of a public board, and some of which gentlemen he knew bore in the world a character perfectly respectable, (one of them an honourable member of that House) they ought, in justice and humanity, to be fully heard in their defence;

defence; but he could only consider that defence as a secondary object with Parliament, and as such was ready to give it all due attention. The primary object, a most necessary and essential one at this juncture, was the preservation and improvement of the African trade.

The African trade is certainly a matter of the first importance to Great Britain; and not become the less so from the decline of our commerce in every other quarter of the globe. When he reflected how essential it was to our national revenue, to the sale of many articles of our Indian imports and home manufactures, to our mercantile navigation and naval power, and to the existence of our American islands, he could not but express his astonishment, that the ministers should not much earlier than the present day have made it a business for their most serious attention and care. Government, to have left the trade of Africa in the condition it has been for some years past, he considered not only unwise but unpardonable. He begged the indulgence and patience of the House, while he took as concise a view of the general state of our commerce to that part of the world, as the nature of so diffuse a subject would admit of. He should be led to touch on many gross errors among persons in power, and much state impolicy, as well as abuses of individuals, which have conspired to bring your traffic with the natives along that immense stretch of coast, to its present disadvantageous and ruinous situation. He would then humbly submit to their consideration an idea or two which arose in his mind, towards re-establishing our commerce in those parts, and which, in all probability, might tend to give it new life and vigour. The British trade in Africa, (following the many bays and headlands) extends near 9000 of our miles, viz. from Port Sallee in South Barbary, to the Cape of Good Hope. The first trade worth mentioning, carried on with those people, was in the reign of Queen Elizabeth; anno 1587, a company was established to Senegal and Gambia, with various exclusive privileges; under James I. Charles I. and during the Protectorate, merchants adventurers were encouraged to carry on an open and general trade; and many persons of exalted rank and character had specific and exclusive grants for the Guinea countries; a fort was erected at Cormantine, on the gold coast, and another on the Gambia river. Soon after the restoration, a Royal African Company was formed; his Highness the Duke of York being governor; but the jealousies, insults, and depredations of the Dutch, greatly

injured those new projectors, and in no trifling degree contributed towards our first naval rupture with the United Provinces. De Ruyter, and other active sea commanders of that republic, demolished our forts and settlements, and committed hostilities of such weight and consequence, that the succeeding peace in 1667, afforded but little relief to our traders; so that when the second war was declared against Holland in 1672, the then joint-stock company, with extreme readiness, relinquished and assigned over their rights and possessions, to a new, royal, African society of merchants adventurers, who were also under the Duke of York in character of their governor. In 1697, Parliament laid open the African trade to British subjects universally. The last Royal African Company being under great difficulties, in the year 1730, 10,000l. was allowed by the legislature towards supporting the forts and factories. In 1749, and the two following years, satisfaction being made to the Royal African Company, their forts and effects were vested by Parliament in a company of free traders to Africa, under the direction of a committee, from Port Sallee to the Cape of Good Hope, open to all British subjects; but that part of the western coast which lies between Cape Blanco and Cape Rouge, is, by an act of Parliament passed in 1765, vested in the Crown; and from Cape Rouge to the Cape of Good Hope, where there are forts, remains under the committee, the members of which are not suffered by law to trade in their joint capacity, neither ought they, directly or indirectly, in their distinct capacity. Three of the nine committee-men are chosen for London, three for Bristol, and three for Liverpool; the only towns that have a trade to that part of the world, excepting Lancaster—comparatively with the rest scarce worth noticing. The act of 1749 requires these committee-men to be chosen annually by persons trading, or intending to trade to Africa. Forty shillings is the qualification necessary by that act to capacitate a freeman to vote. Through indirect artifices, and venal influence, the real and substantial African traders are deprived of an effective choice. The choice depends on the occasional suffrages of certain corrupt persons, and needy hirelings. Hence, in 1772, no fewer than 1425 names were on the register of freemen of the London trade to Africa, scarce one hundred of which had ever been interested in any African ship or African commodity; and not fifty of that hundred were actually in the least shape concerned in the African trade at the time of voting. In

1771,

1771, 194 freemen were added to the list in one day, many of whom were members of Parliament, others were East India directors, not a few tavern-keepers, shoe-makers, butchers, barbers, lamplighters, pastry-cooks, persons under age, and persons without any known residence or occupation—a most singular and curious medley of commercial adventurers! The trade of the ivory and gold coasts, which is more immediately the object of the committee's administration, has very much decreased of late years, while the general trade of Africa, south of the gold coast, has exceedingly flourished, and about the commencement of the present King's reign, and till the year 1771, (inclusive) improved to a prodigious amount. The African trade gave about that time to Great Britain 2,000,000l. sterling per annum, employed 50,000 ton of shipping *communibus annis*, and furnished your colonies with 40,000 labourers: from 1735 to 1763, from the gold coast, at an average, were shipped yearly 13,000 negroes; and in 1752, Liverpool sent 32 large ships to the gold coast, of 58, from that port, fitted out for the whole African trade, and those 32 ships got 8232 negroes. In 1771, when our trade to Africa was in the greatest height of its prosperity, insomuch that 195 vessels were employed in it from Great Britain, besides between 60 and 70 from the continent of North America, although Liverpool alone counted no fewer than 106 of the number, only 14 could be supplied at the gold coast, and those 14 procured but 3400 slaves. Six thousand slaves is the utmost calculation of what we now purchase annually on the gold coast, exclusive of the Benin and Callabar negroes, who are frequently moved towards the north-west to enhance their value. The quantity of gold brought home to England in the time of the Royal African Company, amounted to near half a million sterling *per annum*, reckoning from 120 to 150,000 ounces; an article, which now is so far from being productive, that you are obliged to carry gold to the African markets. And your ivory trade is likewise gone to nothing. In 1749, at the establishment of the committee, gold was estimated under 42 shillings per ounce on the coast; it is now above double that value. An able male Anamaboe-slave was rated at between 9 and 10l. sterling, and sold in the British West Indies for 29 or 30l. sterling. Last year a negro of the same description came, at first cost, to 27l. 11s. and fetched in the island of Jamaica, 68 or 69l. currency, (near 50l.) sterling.) On the gold coast are 11 forts, (between Cape Apo-

Apolonia and the river Lagos) three of which are, in the opinion of many intelligent persons, utterly unnecessary, except as marks of possession, and two have hitherto most frequently proved hurtful to your commerce; 13,000l. *per annum* has been usually granted by Parliament for several years past, and often 15,000l. to support these forts, which still remain, according to the last account given in by Captain Cornwallis, in a very ruinous, filthy, and indefensible state, having, some of them, neither artillery nor ammunition, though their maintenance has cost the nation, since the dissolution of the last joint-stock company, more than 360,000l. sterling. Instead of drawing awe and respect from the natives and rival states of Europe, who have garrisons and factories within gunshot of yours, they only attract insult and ridicule. They have chiefly been used as warehouses for the very worst species of monopoly—a monopoly carried on by public servants under the colour of legislative authority, and rather for the destruction than for the protection and safeguard of the free British trader. I am confidently assured, that the expenditure of little more than 1000l. sterling *per annum*, for each fort, one with another, amounting to between 7 and 8000l. for the only forts of real necessity or local strength, would be amply sufficient, according to their present scale of magnitude and establishment. I am disinclined to advance any more money to be vested in goods, and disposed of at the discretion of these monopolists, and to encourage the like abuses. They were not warranted in an anticipation of the annual gift of Parliament, which indeed ought to have been put in another channel long ago, unless a more satisfactory account could have been produced of prior expenditures. The servants of the committee pretend to have an out-standing demand on a balance of scarcely less by this time than 20,000l. sterling; if you remit the money they are now solicitous to obtain, we can easily conceive to what purposes it will be applied; not a shilling to the forts and settlements. The African committee (I understand by the committee, the directors in general of the African trade, where there have been any forts for these last six and twenty years, not meaning to criminate, nor to exculpate the present gentlemen individually, whose conduct remains for trial, in consequence of the present report upon your table); I say, Sir, the African committees have acted contrary to the trust reposed in them; they have been certainly abettors of the guilt, if not principals in it; have misconstrued the import and spirit of the

the act, which was however very absurdly worded;—they have perverted the true intent of the legislature; have acted diametrically contrary to the real interest of the nation, and nearly annihilated your trade; neither can so destructive a system of folly and mismanagement be too soon abolished.

I should humbly presume, that the best policy we can now devise at the end of a session, will be to admit a preparatory motion toward annulling next year the act of 1749, and bringing a new bill into Parliament, for constituting the African trade on better principles of policy, such as may render it as humane and equitable as the nature of the traffic will allow of towards the natives of the country, advantageous to the British adventurer, tending to the prosperity of your general commerce, and to the support and benefit of your West India islands. For my own part (with all due deference to superior talents and authority) I conceive it will be found the most eligible measure, to create and establish two distinct companies trading on a joint stock: one company for the northern nations and districts, who chiefly follow the Mahomedan profession, and speak certain Moriscan dialects, derived from the Arabic language, and who occupy an extent of coast of about 2000 miles, reaching from port Sallee to the river of St. Paul. The other company of traders, to begin from the said river of St. Paul, and extend to the river Lagos, which takes in all the ivory and gold coast, and includes the southernmost of our forts at Widah: this might be made perhaps the richest and most important part of your trade with Africa, and runs nearly from west to east 2000 miles; the rest of that continent, comprehending Bonny, both Calabars, the Lower Guinea in general, and away to the Cape, that is upwards of 4000 miles further, I would leave entirely open as it is at present. By this policy there would arise a zealous emulation between two companies, and the open trade to the southward might stimulate each to the most active exertion, and serve as a check to either, or to both conjointly, so as to keep their dealings within limits of reasonable gain. I am clear that true policy will direct us either to a mode of reform similar to this, or else to a free trade indiscriminately to all enterprizers, from one extremity of the vast African continent to the other. But, from the present state of the northern regions and countries of Upper Guinea, as well politically as geographically considered, clear I am that nothing but much labour and industry, and great collective resources, as well as national encouragement and support, can restore

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our African trade to any degree of value. I think that trade would, constitutionally considered, be much safer, much better managed for the public interest, were it under the governance of a company trading with joint funds, than under the commissioners of trade and plantations, or either secretary of state. I can't allow that they have at all improved or extended your trade in the Senegambia quarter. Heretofore we had stations and warehouses, and open communications for a variety of traffic 600 miles up the Gambia river, with no less than 17 regular factories. They fell with the last Royal African Company, and I cannot learn that any one of them has been recovered by the care of the ministers of the Crown. The trade of Senegambia is far from that state in which it ought to be at this day, after costing the nation, in its civil and military establishment, extras, ordnance, &c. &c. since 1766, near 180,000l. sterling. In the gold coast country, and the interior of those regions, you had in former times roads of communication from 4 to 700 miles in length, chiefly cut through thick woods and defiles; these roads were five in number: and at the end of every day's journey (of about ten or twelve leagues) were store-rooms, houses of repose and refreshment, and British colours flying. These are now mostly choaked up, the buildings deserted and in ruins, the intercourse between Europeans and the inland natives at an end, obstacles still augmenting: but the continual wars that have prevailed for many years past, between the confederate states near the sea coast and the sovereign princes of the interior nations (wars which have been at times too, not a little promoted and aggravated by the misconduct and bad policy of Dutch and English agents, and settlers) have brought the African trade in such jeopardy, that nothing but a capital joint-stock, properly employed for putting your forts in good order, and re-establishing your power and credit there, on such footing as to induce the Dutch cheerfully to go hand in hand with you to open the trade with the Africans, for the mutual benefit of all parties, can avail in the present state of things. Some gentlemen may indeed object to the slave trade as inhumane and impious; but let us consider that, if our colonies are to be maintained and cultivated, which can only be done by African negroes, it is surely better to supply ourselves with those labourers in British bottoms, than purchase them through the medium of French, Dutch, or Danish factors; the numbers must naturally much decline, if you were to trust merely to those who are born in

servitude

servitude from the blacks already seasoned and established in your sugar islands. Indeed, hard as the case of a negro-slave may appear to a free-born Briton at first view, I conceive him to be far less an object of commiseration (his native state and local birthright taken into the comparison) than a poor, impressed sailor within this island; his confinement is not so strict; his discipline not so severe, his sustenance full as good, and his labour, upon the whole, less harsh and burthensome: but, without dwelling longer on that subject, you can have no objection to gold, gums, ivory, wax, dyeing woods, &c. which may be procured in quantities beyond arithmetical calculation. I have ever comprehended that the African trade takes off a great quantity of your East India goods, English woollens, and hardware articles, &c. and, at one time, there were circulating in Great Britain 400,000 guineas, made of the gold brought home under the African Company, and from whence that coin, I imagine, first took its denomination.

These are distinguishable from other current guineas by the figure of an elephant.

So far from expecting the African trade to flourish under the present laws and management, I am confident it cannot, without a complete radical reform, much longer exist at all. The failure of the joint-stock companies was not occasioned by the impolicy of their system: the last Royal African Company began with little more than one hundred and eleven thousand pounds, and the after demands were not very considerable; yet they expended in Africa, one way or other, and to the great advancement of their own interests and the interests of Great Britain, above 1,400,000l. sterling; and when the trade, in King William's reign, was made open and free to all adventurers, more perhaps through Dutch interest than with a view to English policy, the Company divided 40 per cent. on their original stock. After the act of 1697, the Company traded to much disadvantage against the free merchant, having a great establishment to maintain at their several settlements, and the communications to keep open at their charge: besides which, a number of pirates did terrible mischief on the gold coast. The African trade is too complicated, too weighty and diffuse, for the ministers of the Crown to wield: besides, a ministerial board of commissioners is eternally fluctuating and changeable, and has already more to answer for than can be fitly administered: the civilized kingdoms of Europe are so differently constituted, that,

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by means of a central government, acting with energy and dispatch to its several extremities, and where no extraneous, coercive power is allowed to operate in the intercourses of commerce between nation and nation, excepting by secretaries of state, ambassadors, consuls, &c. the case is very different; but, in the dealings of Britain on commercial principles with the numberless savage nations of Africa, there is in general no need of the interposition of the ministers of the Crown, further than as public guardians of your rights against the enmity and encroachments of other European states trading in rivalry, and to cover your navigation on the high seas. Let us now see how far our present ministers have fulfilled or neglected these obligations. The fort of Albreda, on the river Gambia, became ours by the treaty of Paris in 1773, when all the dependencies of Senegal were ceded to Great Britain; a right in us which I will undertake to prove clearly to the House, if the fact be denied;—the French have been suffered to continue in possession of it, and from thence carry on a very beneficial commerce. In 1772, a vessel sailed from Albreda on French account, with a more valuable cargo on board than any English ship has ever been freighted with. The Dutch (it appears by the report now in the House) impede by violence your trade with the Portuguese; and these good friends and allies of yours, the Portuguese, are continually confiscating your ships and cargoes, when they touch at their settlements. In 1773, the Adventure sloop, Capt. Windsor, put in near Zinging Shore, with a signal of distress flying, and four feet water in the hold: he had leave to take out his goods, and stop the leak; but immediately on the seamen landing, they were seized and put into a dungeon, where one or two died through extreme ill usage; the rest were indeed some time after sent to Gambia; but the effects of the owners, worth upwards of 2000l. were irrecoverably lost. A still more glaring outrage from the same quarter has recently happened to one of His Majesty's vessels of war, commissioned by our commander in chief on that station. She had occasion to touch at a Portuguese settlement, where she was taken possession of, and all her crew imprisoned; the Captain, who (as I understand) became appointed to that post from being first lieutenant of his Majesty's frigate the Pallas, is lately arrived in England from Lisbon, but the men are still prisoners in Africa. This is rather a worse story, taking all its circumstances, than the late capture of the Morning-Star by the Spaniards. 'Tis reported

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that the pretext was similar. She also was mistaken for an American privateer. But to draw towards a conclusion, after troubling the House so long, let me urge it as the immediate duty of Parliament, to take some steps towards the advancement of the general trade to America, which may, with proper care, save the *debris* of this once mighty empire, when America shall be no longer ours. If the project of two companies, as I before stated, should hereafter be approved of, perhaps our ministers, by making over the castle, slaves, forts, settlements, and effects, (which belong to the public) may not only be exonerated of further annual charges usually provided for by Parliament, but may bargain for the full discharge of the present arrear of debt to the committee and their servants. At all events, I shall beg leave to offer this motion, founded on precedent; and, in my mind, the only salutary project that can be adopted before the approaching prorogation of Parliament: however, if by being introduced in the present stage of the business, it can eventually impede a discussion of the crimes alledged against the members of the present African committee, I shall in justice to them, readily wave a division upon it till that trial is over.

Mr. Luttrell then stated his intended motion, which was to address his Majesty, "to direct the board of trade and plantations to consider all such plans and propositions that may in the course of the summer be laid before them, by the merchants trading to Africa, for the better supporting the forts, and for preserving, improving, and extending the general trade to Africa from Port Sallee, in South Barbary, to the Cape of Good Hope; and to report early in the next session, to the House, such proposal or plan as the said commissioners shall find most proper to answer the aforesaid purposes."

Mr. *Vyner* arose, and spoke in high terms of commendation on the foregoing copious and authentic representation of the British trade to Africa, but approved of going immediately into a committee upon the report and petitions delivered in, and received by the House. He said, when that part of the inquiry was ended, he should be happy to second Mr. Luttrell's motion, and did not doubt but it would meet with general support.

Mr. *Bamber Gascoyne*, though a lord of trade, bore testimony to the correctness of the state of the African affairs in general, as stated by Mr. Luttrell: Mr. Gascoyne, declared he had himself for many years past, made this unfashionable topic one of the principal objects of his dispassionate study and pursuit;

pursuit; and assured the House, he would undertake to bring every article of the charges contained in the report before the House, home to the committee-men.

Mr. Burke replied shortly, but pointedly, to Mr. Gascoyne; and Mr. Devaynes said a few words in his own exculpation, as a member of the African committee; when the petition on behalf of the said African committee, to be heard at the bar by counsel, was read, and the counsel called in.

The return of the board of trade was read, stating in substance, That application having been made to the board of trade from several persons trading to the coast of Africa, application was made to the noble lord who presides at the head of the American department, who, after some days consideration, referred the contents and facts stated in said applications to the board. The report then proceeds to state the proceedings of the board of trade, from early in the month of February till the month of April, inclusive. By which it appeared, that Mr. Gascoyne, Mr. Greville, and Mr. Keene, principally attended. Each day's deliberation of the board, the persons who composed it, the names of the witnesses examined, and the time to which they adjourned, are specifically mentioned. The most striking facts that appeared, or were given in evidence to the board, were to the following effect:

That the African trade was considerably diminished since even the year 1749; but more particularly so within the last eight or ten years. The number of sailors, tons of shipping, and supposed value, were enumerated, to prove the diminution. Several causes were stated, as effecting this alarming decrease; such as the power of the governors of the forts and under officers and dependants; the interference of the people of America, who carried on a direct trade on their own account; the purchasing great quantities of goods for the African market in Holland, and from the Dutch governors in the neighbouring settlements; the increased price of negroes and gold dust; the increased value of piece goods; and the partial, oppressive, and interested conduct of the governors, and other people in power on the coast.

To prove the injury the forts and governors were to the trade to Africa, the evidence of several persons was read, which shewed, that cargoes were easier procured, commodities cheaper purchased, and freight more speedily got, where captains slaved and bartered for themselves, without any assistance

sistance or protection from the forts or governors. The governors being all traders on their own account, or factors for their principals here, monopolized every thing in their respective neighbourhoods; and consequently fixed the market, and set the price at their pleasure. On the other hand, if the captains complained of any bad treatment, and sought redress, the black merchants, and those who assisted them, being generally the direct aggressors or instigators of all outrages committed on British subjects; and being, in fact, the servants or agents of the governors, the parties aggrieved were sure to be denied any redress. Nay, indeed, where no governor or visible protection was at hand, the British subjects were generally much readier and more completely redressed; and if the black merchants were willing to trade on their own account, they could not do it; the stock they traded with belongs always to the governor; and if they buy two slaves, the money or value with which they are purchased, is generally advanced by the governor, or some person employed under him or the company.

Numerous circumstances appeared in the report relative to the comparative value of gold and elephant's teeth, the low price of piece goods, the difficulty of getting slaves in exchange for commodities, and a great variety of other instances, every one of which almost was attributed to the abuses which have arisen in the civil government.

In this detail, the particular advantages of purchasing slaves with gold, in preference to goods, was insisted upon as a very great grievance, and very hurtful to the trade to that country, to individuals, and to the nation at large. Slaves were generally purchased formerly at ten pounds a-piece upon an average, male and female; whereas now their value was nearly doubled.

Narratives were likewise given, of ships sailing from Liverpool and London to Rotterdam, and other ports of Holland, there taking in the greater part of their lading, East India and other goods, and trafficking with them, instead of English, East India India, or Manchester goods, of similar fabric.

Proofs were given of ships trading directly from Virginia, and other parts of America, and disposing of their cargoes, tobaccoes, and other commodities, the produce of that country, on the coast, and in return purchasing slaves, and returning whence they came, under the sufferance, or rather the open toleration of the governors and other subordinate persons in command.

When the reading of the report was finished, several witnesses were called to the bar, and examined, which produced a perpetual scene of attack and defence by the contending parties, till three quarters after twelve o'clock, when a motion was made to adjourn to the 30th.

May 30.

Sir *Henry Houghton*, chairman of the African committee, reported the resolutions of the committee, viz.

Resolved, That it is the opinion of this committee, that the words following, in the return from the commissioners for trade and plantations, namely, "that a private trade, directly tending to a monopoly, hath been set up and established by the governors and chiefs of the forts in Africa; and that this private trade, so injurious to the interests of the public, hath been carried on by them, in conjunction with persons at home; some one or more of whom have, at the same time, been members of the committee above-mentioned," do not relate to any of the nine members who constitute the present committee of merchants trading to Africa.

Resolved, That (it appearing to this committee, as well from the return of the commissioners for trade and plantations, as from the evidence produced in support thereof, that several abuses are alledged to prevail in the manner of carrying on the trade of the gold coast and Whydah) it is the opinion of this committee, that the same may deserve the attention and future consideration of Parliament.

The said resolutions being read a second time, were agreed to by the House.

Adjourned to June 2.

June 2.

Mr. *Luttrell* again rose on the subject of the African trade. He reprehended the ministers in vehement terms, for not having fulfilled the desire of Parliament, and his Majesty's instructions for investigating the general trade to Africa, and for breaking up the committee of the House on the preceding debate on this subject, in so hasty, unparliamentary, and indecent a manner. He said, that if the communications were again opened by the Nigris (or Gambia river) to the mouth of the Nile, perhaps we might one day or other return to the neighbouring regions, now in a rude and savage state of inculture; those sciences, those arts, and models of refined taste, which we, Britain, originally attained from thence, either through the schools of Greece and Rome, or perhaps *still more* immediate, as some of the best accredited English historians

historians affirm, who derive the first stock of our ancestors from the coasts of Egypt, or neighbouring cities of Phœnicia; that, when those people first traded to the western parts of this island, they were (like us at the present day) in the full height of luxury and commercial policy; the first characters among the ancients cultivated their godlike talents in those climes; Homer, Pythagoras, Archimedes, the divine masters of poesy, philosophy, architecture, and physics, owed more to the lights of Egypt than to those of Ionia, or the Peloponese. In those ages let us view the state in which they found us Britons; we were full as barbarous as we now see the most disgusting figures among them; we dwelt in huts made of mud and the boughs of trees, went stark naked, all to the skin of some wild beast knotted round the waist; we besmeared and lacquered our carcasses with grease and various colours; and, like them at this day, inhumanly butchered our captives indiscriminately, sacrificing our chief prisoners in a solemn and sacred pageant at the altar of the idol of Victory. Mr. Luttrell urged, that the consumption, at future periods, of our commodities among the Africans, could no more be ascertained or limited in reason, by what the several natives of that quarter of the world now require for their present simple and incommunicate stile of living, particularly in the Mahomedan countries north of the river Gambia, than the demands in trade of the natives of Great Britain for subsequent, could have been entertained by the first Tyrian navigators and adventurers who brought hither their ingenious and valuable commodities, to exchange them with the miners of Cornwall for tin. Mr. Luttrell added, that he could but consider this business on both sides, to be somewhat similar to the altercation between Peachum and Lockit, in the play of the Beggar's Opera, the committee for the gold coast, and the ministers for Senegambia, saw the ill consequences if they neglected to smother all further public inquiry, and shook hands and agreed to be silent on the subject: "Brother, brother, we are both in the wrong!"

Lord *North*. His lordship excused himself from taking up this very complex and important matter just at the close of a long protracted session, with few members in town, any further than to move for the 13,000l. annually granted by Parliament, to maintain the forts and settlements under the direction of the African committee. This motion, his lordship gave notice, he intended to make on the Thursday following; but he would take due care that his motion should

be so framed, as to secure the application of the said sum solely to the uses for which it was designed and granted by the legislature.

Mr. *Burke* was against revising the state of the trade to Africa in general, for fear of doing more harm than good in these times; he seemed to be apprehensive, that, were Parliament to enter on that wide system, their discussions would probably only terminate in government jobs, and putting the trade upon a still worse footing than at present. He was likewise very able and witty on the extensive field opened by Mr. Luttrell in this debate, as to the rude state of our British ancestors, and their primitive descent from the swarthy inhabitants of the confines of the river Nile. There being scarce forty members on this occasion present, the sequel of the business was obliged to be deferred till Thursday the 5th, to which day the House adjourned.

June 5.

Lord *North* moved, "An humble address to the King, that he would be graciously pleased to order the sum of 13,000l. to be issued to the African Company, for the maintenance of their garrisons, and for the repair and keeping up of their forts, &c. on the coast of Africa; and that his Majesty would be pleased to direct, that the said sum be not applied to the discharge of any arrears of the said Company's debts, contracted prior to the 30th of December, 1776." This motion was carried in the affirmative without any division. However, Mr. *Burke* spoke in favour of the African committee, and defended the conduct of the Company's affairs in general, and the necessity of granting them a still farther parliamentary aid.

Mr. *Bamber Gascoigne* replied to Mr. Burke, and was violent in his censures upon the African committee, and their servants on the coast. He expressed a wish, that the mal administration of our commerce in those parts might be searched to the bottom, and he did not doubt but the House would be satisfied of the necessity of a new and more correct system.

Mr. *Devaynes* being one of the nine committee-men who have the care and government of the African trade, he thought it immediately incumbent upon him to enter on the charges in general, and to make some observations on the accounts. He said much in justification of himself and the other gentlemen of the committee, and seemed to give entire satisfaction as to what related to himself, and the manage-

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ment of the trade, for the few years during which he has been chosen as director.

Sir *William Meredith.* He did not speak long upon the subject, but expressed himself much in favour of the present system for the gold coast, and southern districts in Africa; and was, upon the whole, a very zealous and intelligent advocate for the gentlemen of the committee, whose conduct had been thus severely arraigned.

Mr. *Temple Luttrell.* He expressed his approbation of the motion proposed by Lord North, as it effectually secured the 13,000l. granted by Parliament to the purposes for which they voted it; and indeed the sum would be indispensably necessary; for you must otherwise abandon altogether your forts and factories, for which you pay every year ground-rent and port-customs to the natives. He remarked, however, that the money now given would be for the year 1778. Mr. Luttrell reprehended the board of trade, for wasting the whole session in a loose, inaccurate inquiry into the trade of one part of the coast of Africa only, and then coming with their report so late to the House, that there was not time enough to go thoroughly into the merits of it. He considered the African Company to be in a situation similar to what it was in 1749, when the bad conduct of its servants, and decline of trade, rendered an application to this House necessary, and wished Parliament now to do what it did then, call for a general information. I am of opinion, Sir, that the trade of Africa will admit of very great improvements; and they are now of the more consequence, because we may not long possess any American commerce: it therefore behoves us well to take care of what is really within our power. The improvement of your marine nurseries, and an extension of your commerce to Africa, may yet maintain the British realm in splendour and prosperity, when her colonies on the other side of the Atlantic are totally separated from her empire: a federal union for the reciprocal interest of two distinct nations, is all you have now to hope for from your seceded provinces. Sir, we have had factories in the internal parts of Arica, on the Gambia, near 800 miles from the mouth of that river, to which vessels of between 30 and 40 tons have navigated; and it flows through a country, I will venture to assert, the superior of the North American continent in every commercial light; its influx and ebb almost equal to the Nile for depth and rapidity. The neighbouring regions produce gums of the richest kind, mahogany, cedar,

cedar, palm-oil, and other oils, and all sorts of valuable timber for ship-building; tobacco in the greatest plenty, rice, indigo of the finest sort, pitch, rosin, skins, and, in a word, every valuable production we receive from America. This country, which is extremely populous, might be made to contribute in a variety of ways to the support of the commercial interests of these kingdoms. In the slave trade also, there might be prodigious improvements; but the attention of the board of trade and plantations in this matter, has been too much limited: the negroes from the gold coast suit our West India islands remarkably well; they are laborious, bold, hardy, and live upon little besides salt fish and roots, which they meet with in Jamaica. The negroes from Congo, Angola, and the lower Guinea, are of a more soft, voluptuous, and effeminate nature; and their women chiefly till the ground; so that, upon being transplanted to the hardships of our sugar colonies, they commit suicide, rather than endure them: hence it is, that one gold-coast negro is worth, for sugar plantations, two of the others; but in North America, where they meet with food and entertainment, and usage better adapted to their habits, they do perfectly well. Sir, there are other points, relative to the state of our concerns on those coasts, which ought to be fully discussed, and on which I have touched upon a former occasion.

Mr. *Burke.* I shall not follow the honourable gentleman in the detail he has given of what might be done; I believe he is very right in a part of what he has told; but I can by no means agree with him, or with any man, that the servants of the company have behaved themselves wrong: instead of having been wanting in economy, they have exerted such an economy as this House has not been used to; they have supported eleven forts, ten governors, and the establishments necessary for them and treaties with the country powers; yet with all this, they are not accused of contracting a greater debt, in so many years, than 16,000l.

Mr. *Gascoigne* seemed to rejoice at Mr. Burke's mentioning the debt as 16,000l. and ridiculed the idea of the servants being such faithful ones, while contracting such a debt.

Mr. *Burke* retorted upon Mr. Gascoigne's speaking in the stile of accusation, when he was the judge; which he said was such a perversion of the distinctions of judge, jury, and party, that he congratulated his feelings on it. "Nature had *made him* the accuser, an act of Parliament the judge; but I hope

I hope the gentleman is not my accuser: I thank my God, he is not my judge."

Mr. *Devaynes* said a word or two in accusation of the conduct of the board of trade.

Mr. *Hartley* went upon the cruelties of slavery, and urging the board of trade to take some means of mitigating it: he produced a pair of hand-cuffs, which he said was a manufacture they were now going to establish. He then digressed a little to the American question of taxation, and freeing their municipal governments from the control of Parliament.

Lord North's motion being carried, Mr. Luttrell made his motion, which was, "That an humble address be presented to his Majesty, to be graciously pleased to give directions to the commissioners for trade and plantations, to inquire into the state of the general trade to Africa, from Port Sallee in South Barbary to the Cape of Good Hope, inclusive; to receive what plans or proposals the merchants of London, Bristol, and Liverpool, trading to Africa, may submit to their consideration, for the better regulating, preserving, and extending the same; and early in the next session of Parliament, to report to this House such opinions thereupon as shall appear to said commissioners most beneficial to the commerce of Great Britain and her colonies."

It passed in the negative.

June 6.

The King came to put an end to the session.

The Speaker, after having presented the four bills of supplies for the royal assent, delivered himself as follows:

"Your Commons, Sir, through the course of a very long session, have been principally attentive to the distracted state of your Majesty's colonies in North America; and see with the deepest concern the continuance of disorder and rebellion there; for they hoped that means would have been found to stop the ravages of war, and the destruction of your Majesty's subjects, which, if not timely done, there is too much reason to fear, will be attended with consequences ruinous to the prosperity, perhaps dangerous to the safety, of this country.

"However, Sir, your faithful Commons still relying upon your Majesty, which they do with the greatest confidence, knowing that you have no other interest than the welfare of your people, have, by ways the least burthensome to their constituents, again raised great and ample supplies; have

again strengthened your Majesty's hands with all the powers of war, at the same time earnestly wishing that the terror of those powers may facilitate a reconciliation, and that your Majesty may be enabled the sooner to restore to us the blessings of peace."

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THE

Parliamentary Register;

OR,

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES, MOTIONS,

PROTESTS, PETITIONS, &c.

DURING THE

THIRD SESSION of the FOURTEENTH PARLIAMENT

OF

GREAT BRITAIN:

WITH A LIST OF

The ACTS passed in this SESSION.

THE

HISTORY

OF THE

PROCEEDINGS and DEBATES

Of the THIRD SESSION of the

HOUSE of LORDS

OF THE

Fourteenth Parliament of *Great Britain.*

THIS session was opened with a speech by the King, on the 31st of October, 1776; which speech being already printed with the debates of the House of Commons of this session, it would be improper to repeat it.

The address was moved by the Earl of *Carlisle*, who said, that he rose with great reluctance, knowing his own incapacity either to take the lead on so important an occasion, the most so this country ever before experienced, or to pay that just tribute of thanks due to the gracious speech from the throne; a speech, he would venture to affirm, replete with the strongest marks of sound policy, royal wisdom, and paternal tenderness, for the prosperity, happiness, and freedom of all his subjects. His lordship observed, that the nation had been brought into its present critical and dangerous situation by the arts of designing, ambitious men; and he could not, while he lamented the influence the leaders in America had over their deluded infatuated brethren, help remarking, that the present daring and open hostilities commenced, abetted, and avowed, which preceded their declaration of independency, would never have happened, if that disobedient, traiterous spirit had not been fomented, nourished, and strengthened by a set of men in this country, who, deserting its interests, shamefully sacrificed them to their personal views of faction and ambition. He said, the ground taken on this occasion, became dangerous in proportion to its plausibility; for it was, indeed, hardly conceivable, that the people of America,

who owed so many obligations to the parent state, who were at once bound to it by every tie of gratitude and interest, and every bond of union which nature and affection could render sacred, would ever break and cancel them all, without any real provocation: but the event has proved the contrary; and as the noble lords on the other side the House founded their opposition on the idea, that America never did aim at independency, he trusted now that the question had totally altered its nature; the consequence of such alteration would be an unanimity as complete, as he was assured it would be decisive in restoring peace to this distracted and divided empire.

His lordship commented on several parts of the speech from the throne, particularly on the zeal and bravery of the King's troops, the recovery of Canada, and the late success on Long Island. He spoke with warmth upon the insolence of the rebels (as he called them) in refusing treat with the commisioners appointed by his Majesty. He bestowed several harsh expressions on the conduct and behaviour of the congress; spoke of the necessity of vigorously exerting ourselves in the course of the ensuing campaign, in order to repair the repeated injuries, and to heal the wounds the constitution and interests of this country have received from its base and unnatural children; and concluded with assuring their lordships, that he did not entertain a single doubt but that ample reparation would be obtained, and that the whole would in the end terminate to the mutual happiness and advantage of both countries. His lordship then moved the address in the usual form.

Earl *Fauconberg* seconded the motion. His lordship observed, that the question between Great Britain and America was changed; the original one, relative to taxation, no longer existing. The alternative was now, whether we should for ever relinquish America, and submit to the consequences which must inevitably ensue from our giving up all future pretensions to a superiority over that country; or, considering the great and important stake for which we are contending, make one vigorous effort to bring its deluded inhabitants back to a proper sense of their duty? He was for the latter.

The Marquis of *Rockingham* condemned, in very strong terms, the contents of the speech, which he treated as the speech of the minister. He remarked on the following passage in the speech: "No people ever enjoyed greater happiness,

piness, or lived under a milder government, than those now revolted provinces; the improvements in every art of which they boast, declared it; their number, their wealth, their strength by sea and land, which they think sufficient to make head against the whole power of the mother-country, are irrefragable proofs of it." This passage, his lordship contended, was a *virtual* censure of the present administration, and pointed out the impolicy of forcing such a people into rebellion. It proved, beyond question, the great advantages of a mild government, and the evils resulting from a cruel and oppressive one. He presumed, that ministers would hardly pretend to say, that it was the present system of measures, under which this people throve, and rose to that pitch of opulence and strength, they themselves had given so lively and apt a description of; if it was *not*, but that it evidently impeded, instead of augmenting this state of domestic prosperity, it followed of course, that America owed its greatness to a system of mild government; and that a direct deviation, or total abandonment of that system, was what gave occasion to the present cruel and unnatural civil war. He said, whatever colour might be now given to the present state of affairs, taxation was the original cause; and he still continued to think, as he had always declared himself, that the only sure constitutional taxes which could, or ought to be drawn from the colonies, would be the monopoly of their trade, and the other great advantages drawn from their constitutional dependency and connexion with the parent-state; and though the right were clearly on our side, nay, even that there were some degree of necessity for exercising it, yet when the real disposition of the people came to be known, their resources, strength, and numbers, came to be revealed, and the enormous expence of prosecuting such an expensive war, at so great a distance, was properly considered; motives of expediency, in the first instance, and considerations of the possible impracticability of such an attempt, united, would induce him for one, to consent to any reasonable terms of accommodation. What (says his lordship) do ministers tell us this day? They come forward, and, through the medium of the speech, write a panegyric on their own conduct. I will put the whole of their defence on this short issue, without entering into particulars: I will leave the decision with themselves. I ask them, in the whole course of their extensive reading, knowledge, experience, or to the utmost stretch of their belief, whether they ever heard, or can now be persuaded

suaded to think, that a whole people, so numerous, and living under so many different forms of government, though members of the same political body, ever unanimously confederated to join in a revolt, under a mild, wise, and equitable administration of public affairs relative to America? His lordship besides arraigned the principle on which the measures have been all along conducted and supported, that of unconditional submission. He said, the idea was abhorrent to the subjects of this free government; that *Englishmen*, whatever their local situation may be, know no obedience to any thing but the laws; and that when the protection of the laws was taken away in several instances, particularly by the capture act, when they were declared open *enemies*, and put out of the King's peace, it was impossible for them to do otherwise than they did. If they declared themselves independent, it was long after they were declared enemies; and for his part, he could not possibly see what degree of obedience was *due*, where public protection was openly *withdrawn*.

His lordship then moved an amendment, the same amendment which Lord John Cavendish moved in the House of Commons. *(See the Commons Debates of this session, page* 8.)

The Duke of *Manchester* drew a parallel between the present state of the British empire, and that of antient Rome in its decline. He observed, in one, as the other, the mere *forms* of the constitution were preserved long after every effort of despotism and arbitrary power were felt in their fullest extent. Imperial Rome oppressed her provinces and dependencies, like Britain; her subjects bowed under the yoke of the most insupportable oppression, like that endeavoured to be inflicted on our colonists; and he did not hesitate to foretell, that as in one instance the distant subjects of that proud, overbearing mistress of the universe, by the injustice and severity of her government, forced her provinces to resist her lawless power; so in the other, this country had alienated the obedience and affection of her American subjects, which would bring on a dismemberment of the empire, and would probably terminate in a total dissolution of this government.

His grace remarked on that passage in the speech (the whole of which he imputed to the minister) relative to assurances of amity, said to be received from the several courts of Europe, in a very pointed manner. He said, it contained the most *improbable* information that could be well conceived, unless we supposed, that the framers of the speech, and those *who advised* the present naval armaments, thought differently

rently on the same day, or were not the same persons; for if assurances were given, and that they were to be depended on, why have recourse to that mode of manning our navy, a press, which was known to be fraught with so many hardships and inconveniencies, and which should never be resorted to, but in seasons of difficulty and danger? If, on the other hand, those assurances of amity were not to be relied on, why deceive the public and Parliament in so gross and flagrant a manner? Why delude them into a dangerous repose? Why tell them, on the eve of a rupture, that we were in a state of perfect tranquillity? But his grace insisted, that we ought not, in the present situation of affairs, to trust either to assurances, however strong, or reasons, however plausible, when facts were so evidently against them. He had, he said, the most undoubted information, that whatever those assurances might be, they ought not to be relied on; a matter having come to his own knowledge, or at least it came so well authenticated, that he was perfectly satisfied of its being indisputably true. He should just mention it for the present, presuming if it were false it would be contradicted, in which case he should quote his authority; if it were not, then it would remain at least a strong circumstantial contradiction to that part of the address. The fact was, that a gentleman, on whose veracity he could depend, assured him, that he had been at Havre de Grace some short time, where he saw a vessel publicly loading with fire-arms and other military stores, for the use of the provincials. If, in the language of the speech, the Americans were to be esteemed rebels, and if rebels in arms were to be looked upon as open enemies, the fact new alluded to was an irrefragable proof, that France, at least at present, was in the first stage of open enmity with Great Britain.

His grace then contradicted the substantial information of the speech on another ground. He said, that it was now no secret, that a fleet had lately sailed from Cadiz, with a considerable body of land forces on board. This armament must be destined to carry on hostilities against us in some part of the western world, or for South America, to be employed against the Portuguese. Supposing the former not to be the case, no doubt could be entertained of the latter, which came exactly to the same point; because, if Portugal were attacked, Britain must consequently be involved in a war, unless we broke our engagements with Portugal, and sacrificed our dearest interests to the blind rage of making a conquest

quest of our fellow-subjects in America. We were bound by treaty, he insisted, to support and defend Portugal; our interests, as well as solemn engagement, compelled us to it. The difference was therefore very little, whether France or Spain broke with us openly, or in this round about, indirect manner, the consequences would be the same; we should in the end find ourselves engaged in a war with the united force of the House of Bourbon. Portugal had already given us the highest instance in their power of their friendship; they had forbid the provincials from entering their ports. Had France or Spain done so? The contrary was notorious. If then, taking the question in either light, as an attack of Spain on our ally, or the open encouragement given to our subjects now in arms against us, he wished to know from administration, what requisitions had been made on our part, to bring the courts of Versailles and Madrid to an explanation on those very important points; what was the effect of those requisitions; and what we had now finally, at so critical a period, to depend on? His grace concluded by observing, that no reliance was to be had at any time on the pacific assurances of those courts, much less when their conduct contradicted them; that therefore a tame acquiescence in whatever measures they might think proper to adopt, or an immediate war with those powers, was inevitable, which, considering the present distracted and almost exhausted state of this country, threatened no less than its total ruin. He had foreseen this from the beginning: he had often foretold it. He was in future determined to lament it in silence, as all further efforts, he perceived, would be in vain: however, as the last attempt, he very readily joined in the amendment moved by his noble friend [*the Marquis of Rockingham*]. The speech was no more than a recommendation of the same ruinous system of measures, which had brought us into our present perilous and tremendous situation; if the amendment was agreed to, it would give the House time to consider and devise some means of averting the innumerable dangers with which we were now surrounded; the first salutary and effectual step to which would, in his opinion, be the appointing a committee to inquire into the state of the nation, in order to discover the source of our present calamities, and to devise remedies the best suited to their cure and removal.

Lord *Cardiff* [Lord Mountstuart] declared the colonists to be exceedingly ungrateful. He said, from their first emigration from this country, and settlement in America, they

they had manifested a most disloyal and republican spirit; in proportion to the favours we had heaped upon them, the protection we had afforded, the encouragement we had given them in free ports, bounties and premiums, and the blood and treasure we had spilt and lavished in their service, they had been disobedient, turbulent, and ungrateful; that our strength and finances had been wasted in defending and covering them from a dangerous and superior enemy during the late war, to a degree, he feared, that would not shortly, if ever, be recovered: and now the return we met with was, to be involved in a bloody, expensive contest, on the issue of which the dearest interests of this country were staked, perhaps its very existence as a great commercial and maritime power. He trusted, however, such being the provocations on our part, and such the unparalleled baseness on theirs, that the spirit of the British nation would be roused, so as to take the necessary measures for their effectual chastisement. He could not, he said, agree with the amendment proposed by the noble marquis, for many cogent reasons; but for none more, than that it brought matters forward, which at least for the present formed no part of the question. If ministers had neglected their duty; if they suffered themselves to be deceived; if they misled Parliament; those might be all proper objects of inquiry at a suitable and convenient season. That was not the subject of the present address; the only matter now under discussion, or worthy of debate, was, what is the present state and condition of our colonies? What are the resolution and final determination of our subjects in America? Have they not declared themselves an independent state? Are not they in arms in support of that independency? Have not they pulled off the mask, and avowed themselves open enemies? The question of taxation alluded to by the noble marquis, is now totally lost, or buried in an obstinate and loud appeal to arms. They no longer think it necessary to conceal their real sentiments; they have put us to defiance, and the event must inevitably be the full assertion of our legislative authority over them, or submitting to for ever relinquish it. Should the latter be the case, then farewell to the importance of this country.—The state of Europe, he observed, had undergone an almost total change, since the first establishment of those colonies. Several considerable acquisitions of territory had been made by the great states, who may be supposed to be the rivals of our power and greatness. The wealth and additional

strength

strength which we have hitherto derived from our colonies, have enabled us to retain our consequence and superiority in the grand European system. What then would be the probable effect, merely on consideration of self-preservation, but that, stripped of so ample a support, we should dwindle so, as, in the first instance, to lose our importance in that system, and, in the end, to become a province of the first ambitious power who might think proper to attack us? For instance; France, our natural rival and enemy, is a vast extensive opulent country, full of inhabitants fertile in soil, rich in native produce, and rendered more so by the industry of its people; it is compact in itself, its strength is easily collected; how then can it be expected, that Great Britain and Ireland, inferior in every respect, and divided and broken by seas, could withstand so formidable a power, if those sources of wealth and strength derived from our colonies were to be cut off? which must be the case, should we tamely permit America to remain independent.

This, his lordship presumed, was the *true* point on which the deliberations of this day would turn; it fairly included this short question, whether, by foregoing our superiority over America, we were at the same time willing to take such a resolution with all the consequences now described, which he contended must follow? He said, besides this grand, this leading inducement to a vigorous exertion of our whole strength, there were many collateral circumstances, which gave him hopes, that the general impressions of despondency, attempted to be made by the noble marquis and the noble duke who spoke last, were ill founded; and were neither supported by fact or probability. He said, the deluded people of America had been inflamed, misled, and hurried on by their leaders; that the late success of his Majesty's forces on Long Island, and the events which might reasonably be expected in consequence of that success, gave the most rational ground to expect, that his Majesty's subjects in America would recollect themselves, and return to their duty; and such of them as all along retained their loyalty, be emancipated from the cruel oppressions they had sustained for their attachment to the mother country; which would create such an additional strength, as not only to rescue the province of New York from under the dominion of its merciless oppressors, but likewise to establish a civil government in that province, and from thence extend, by its influence and example, the blessings of peace, law, and liberty, to its several neighbouring colonies; which would in time, he hoped, by

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that means be communicated to the whole Continent. He said he *felt* as strongly as any lord in the House, for the miseries of war; he always thought it should be the last resource; yet, while he lamented its ravages, it was a consolation to him, that its temporary effects might be productive of a restoration of government; since nothing else was capable of bringing back the people to their duty: one part, he trusted, would return from motives of loyalty and inclination; the other, from finding they had no protection, but what might be derived from a restoration of peace, and a submission to the constitutional supremacy of the parent-state. He was every way satisfied, that this would be the event of the ensuing campaign, if determined on with *unanimity here*, and carried on with *vigour there*. He did not, however, according to the language of the amendment, expect, much less wish, that the people of America should yield to an abject or servile submission. It was not, he dared to say, the wish of administration, nor of any noble lord in that House. It was, however, now become indispensibly necessary to the interests, nay, to the very existence of the British empire, that the supremacy of this legislature should be maintained and asserted in its full extent: when that point was once fully established, he doubted not but the people of America would receive every satisfaction and security for every just grievance they may have felt, and every right they may be entitled to enjoy, as British subjects. Fully convinced of the justice of the cause, and of the propriety of the measures recommended in the speech, he must, he said, differ from the amendment proposed, and give an affirmative to the address now moved.

The Earl of *Derby* spoke warmly in favour of the speech, and against America, which, he said, had entered into the most horrid and unprovoked rebellion ever known in the annals of this or any other country. He insisted, that they had an equitable, as well as a legal right, to contribute towards the national burden incurred during the late war on their account. First, on the constitutional right the parent-state had to regulate, control, and give law to all its dependencies; which inherent right especially included the power of taxation. Secondly, because one half of the public debt we now labour under, was incurred in defending and protecting them. He complimented such of his noble auditory as always looked upon the disobedience and resistance made to the laws enacted in support of the exercise of our constitutional superiority

over

over America, as a strong indication, if not a substantial avowal, of their intended independency. He observed, that such being the fact, now no longer to be controverted, he was astonished that any noble lord, who declared himself a friend to Britain, could possibly hesitate about agreeing with the address, as the measures it was meant to sanctify were the only means to save the British empire from certain ruin and destruction. His lordship lamented the factious spirit, both here and in America, which had been the cause of the present melancholy state of public affairs; and hoped, as the only means of reparation left, that those who had unhappily fomented the present disturbances; that those who had by the strongest reiterated assurances *pledged* themselves to the nation, that America only wished for a constitutional dependency, *not* to deny or throw off the supreme legislative power of the Parliament of Great Britain, would now candidly confess their error, and prove themselves only mistaken, not intentionally wrong.

The Earl of *Radnor* made several observations on the sentiments delivered by the last noble lord but one [Lord Cardiff.] He said, that he could not agree with the proposed address, or amendment, neither of them coming up to his ideas. The noble lord [Lord Cardiff] asserted, that the people of America were tainted with principles of republicanism in general, and had always shewed a spirit of disobedience. He denied that either of those assertions were strictly just. The charge of republicanism was never even attempted to be made against any but the northern colonies, and there, he believed, with great injustice; and the charge of disobedience was still worse founded; for he believed, if the history of the colonies was impartially considered, and fairly decided on, from their first establishment, it would be found, that no subjects had ever exhibited stronger proofs of their duty, attachment, obedience, and affection for the parent-state. If, indeed, the *same* spirit which compelled the first settlers to fly from the ecclesiastical and civil persecution and oppression of a tyrant, was a spirit of republicanism, he trusted that spirit would *never* be extinct, either there or here; for if it should, then despotism would triumph, and nothing would be left for the prince on the throne, but to possess himself of the liberties of the people thus deserted and surrendered. He repeated his disapprobation of the address and amendment; and said he should not vote for either.

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The Duke of *Richmond* arraigned the conduct of administration, in relation to the affairs of America; and described what he called the tremendous and awful situation this great empire was reduced to; the whole of which he attributed to a *want* of wisdom in ministers, as well as a want of virtue in parliament. His grace mentioned the several measures adopted by the King's servants against that country, and reminded their lordships, that the consequences from the beginning to the very close of the last session, were exactly, nay, almost literally, foretold by those who disapproved of them; that there was something very remarkable, however, in this combination of cause and effect; for while opposition predicted the probable operation those coercive laws would produce, they did not neglect to remind ministers, that they supposed those laws were expressly enacted for that purpose; if so, though such a conduct might well serve to impeach the *justice* of the measures, it proved in some degree, that they were not so much the effect of ignorance as design. America had the alternative to submit, or to abide the event of resistance; the several oppressive laws spoke that language; and as America refused to accede to terms of unconditional submission, she was of course compelled to declare herself independent. In that point of view, ministers had been successful, and gained what they secretly wished for, though they did not dare to openly avow it; they put all on the issue of a trial of strength between the parties, in which struggle they flatter themselves they shall prevail. Such, certainly, was the express intention of the capture act; nothing less could be expected: this law was passed in order to put the colonies to the test; it was meant to produce submission or independency; the former, in that stage of controversy, was not expected; independency was looked for; and ministers, in one instance at least, were not disappointed. To prove the truth of what he now asserted, he gave a short history of the capture act; he shewed, that the King's speech, on the opening of the preceding session, promised that commissioners should be sent out to treat with the Americans; that when this promise came to be fulfilled by ministers, the farce was still kept up in the capture act, though nothing more than a bare power to receive submissions, and grant pardons, was expressed: yet trifling, absurd, and insiduous, as this must appear, ministers were resolved, that no good consequence should arise; for though the royal word was pledged in October, and the law was passed the next month, no attempt

was made to fulfil it on the part of administration for full seven months after. This brought strongly into his mind a passage in a modern writer [*Mr. Gibbon*] who has written on the causes of the decline of the Roman empire: where, speaking of the christians, and the persecutions they suffered under some of the Roman emperors, he says, "they were thus driven from the protection of the law." His grace commented very pointedly on that passage in the King's speech, which says, "that his desire is to restore to them (the people of America) the blessings of law and liberty, equally enjoyed by every British subject." This, he said, was a palpable fallacy; and could be only introduced into the speech by the minister, in order to mislead the people of this country, and to incense them against their fellow subjects in America; and he expressed his astonishment at the temerity of those who thus dared to put such a sentence in the mouth of their sovereign. It was absurd to the last degree; it was known to be directly *repugnant* to the express constitutional system of government established in this country; to that power of commercial controul lodged in the seat of empire; and that great commercial law, the act of navigation, which with-held several great advantages from our dependencies in Ireland and America; consequently, it was a vile imposition to suppose, that either the sovereign could or would restore to America the blessings of law and liberty, equally enjoyed by every British subject, because such a promised enjoyment was no less false in contemplation, than it was totally impracticable in the execution. His grace next lamented the extreme degeneracy of government:—he boldly affirmed, that it was carried on solely through the means of bribery and corruption; that all test of public conduct was laid aside, which depended upon freedom of thought, or freedom of acting. The *indiscriminate* support ministers received, to whatever measures they thought proper to propose, though ever so ruinous and destructive, furnished daily proofs of it; and what, from a total disregard which prevailed among public men, to the interests of the nation, and the innumerable modes of corruption, long established, with the new ones daily devised and discovered, he was in his conscience satisfied, that nothing but the personal virtue of the sovereign prevented this country from a total loss of liberty. Like Sweden, it was ripe for the event; and he begged leave once more to give the most solemn testimony, to declare from the bottom of his heart, that nothing

thing but the virtue of the sovereign on the throne prevented this country from being at present under the dominion of arbitrary power.

His grace, after testifying his high esteem for the Generals Howe and Carleton, with both of whom he had served, men equally deserving in their private characters, as of high merit in their respective professions, lamented the fatal effects of the war, with the conduct of which they are entrusted. From their known temper and disposition, he should have conceived the most favourable hopes, if their hands had not been fettered by ministers; nay, indeed, if they had not been actually prevented from taking any measures but such as the laws of war prescribed. This was a melancholy consideration, when we reflected, that every life lost on either side was a diminution of that strength which ought to be preserved, and which should be only employed against our natural and foreign enemies. This led his grace to that part of the speech, which says, "I still hope that all misunderstandings may be removed, and Europe continue to enjoy the blessings of peace; I think it nevertheless necessary, that we should be in a respectable state of defence at home." This, he said, however artfully and plausibly disguised, with a view of answering a double purpose of holding out peace at the present, and preparing us for *another* interpretation, should the event make it necessary, was a most alarming piece of information. If any explanation was wanting, the press-warrants lately issued would serve as the best comment; they justified our apprehensions; they confirmed our fears, and the more so, when we recollected, that the greatest part of our only sure bulwark and national defence, our navy, was on the other side of the Atlantic. He observed that ministers had been silent through inattention, or not being able to stand, on this very critical and trying occasion, the test of inquiry. It was *no* secret, he said, that France and Spain had been some time arming; that the disputes between Spain and Portugal were notorious, and the public declarations of a minister*, in high favour at court, and influence in the cabinet, relative to the intended conduct of this country, should a rupture be the consequence of those disputes, made this disagreement a matter of very *serious* consideration, particularly,

* See the latter part of the Earl of Rochford's speech on the Spanish armaments last year, in the Lords Debates of last session, page 142.

ticularly, as the passage in the speech, which alludes to that important affair, says only, "I hope, &c. that all misunderstandings may be removed." On the other hand, if the repeated accounts be true, that an open commerce is carried on between France and our colonies; if the latter, in return for their native commodities, are supplied with military stores, will not this, if not discontinued on their part, be looked upon as an avowal of the cause of America? So that in either event, whether Portugal is attacked, or the colonists are openly assisted and supported by France, a rupture with the united force of the House of Bourbon seems inevitable. From these important facts, and obvious deductions, his grace took occasion to expatiate on the dangerous predicament this country now stood in, a probable rupture with France and Spain, a civil war with our colonies, our only national defence at the mercy this instant of our natural enemies, an accumulating debt, divided councils, and a distracted people on the verge of political despair. In such a dire and calamitous situation, he recommended a reconciliation with our colonies upon any terms. He thought it would be much better to have them as friends than enemies, though we should be under the necessity of acknowledging them as so many independent states. He concluded his speech with protesting, that he did not believe that *any* measures that could *now* be adopted, would ever reconcile the people of America to our government; the attempt, in his opinion, was impracticable. Though a change of administration, and a change of measures in consequence thereof, should take place, he had no expectation, that, for his part, either, or both, would produce any good consequence. A noble lord, early in the debate, [Lord Cardiff] had supposed, that this country would not support its rank, as a great European power, without the colonies: his grace strongly doubted the truth of this reasoning. Britain had cut as conspicuous a figure, as she has done since, in the time of the protectorate, before the colonies were any addition to the strength or opulence of this country. Be that as it may; if the task of conquest was impracticable, as he believed it was, it would be better to retain our native strength, than waste it to no purpose. In such a train of impending evils, as surrounded us on every side, he could only venture to pronounce one certain truth, that he was satisfied *the country* was *ruined*, he *feared* the *nation* was *undone*.

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The Earl of *Sandwich* said, the speech recommended measures so wisely framed, and so peculiarly well suited to the present situation of affairs, that he should not have troubled their lordships, had not the noble duke who spoke last, alluded to some matters, which, as connected with the office at which he had the honour to preside, he looked upon himself particularly called upon to explain. The noble duke asserted, that the greatest part of our force was on the other side of the Atlantic, and that we were left defenceless at home. The first of these assertions was not founded in fact; for out of 28,000 seamen, with one of the most formidable fleets this country ever beheld, 15,000, including the marines who were doing duty on shore, as well as on board the ships of war, and two line of battle ships, were only on the other side the Atlantic: and as to the other assertion, that we were left in a defenceless state at home, it was equally ill-founded; for we had a naval force at this instant ready for sea, allowing that the courts of Versailles and Madrid had any hostile intentions towards us, which he was persuaded they had not, fully sufficient for our defence and protection. We had the most ample and *unreserved* assurances from those courts, of their pacific and friendly dispositions; if they should turn out otherwise, we are prepared for the *worst*. He said, he looked upon it to be his duty, as an official man, to take care that the navy, which was our only national defence, should be in the best condition in his power. He was happy to inform their lordships, that it was so, and he was determined that this kingdom should be prepared for any event that might happen. He should not follow the amendment made by the noble marquis, it took in so many different matters, little relative to the present subject of debate; but while it recommended a retrospective inquiry into the conduct of others, he could not, now he was up, help declaring, that the true cause of this civil war we are engaged in, was the bad policy of those, who, by their advice, power, influence, and official situations, laid a foundation for it, by the repeal of the stamp-act. He had often said so, and would avow it with his last breath. As a friend to his country, he must dissent from the extraordinary proposition made by the noble duke who spoke last, "recommending a reconciliation with America upon any terms, even upon grounds of admitting their independency." As an Englishman, and a friend to his country, he could not endure the thought; he would never consent to subscribe to a doctrine, so derogatory to the

honour, so disgraceful to the character, and so destructive to the interests of this country. He would risque every thing sooner than accede to it: he would hazard every drop of blood, and the last shilling of the national treasure, sooner than Britain should be set at defiance, bullied, and dictated to by her ungrateful and undutiful children, her disobedient and rebellious subjects. He alluded to a passage in the last mentioned noble duke's speech, in which he protested, that he did not believe either a change of men or measures, in consequence of it, would effect a reconciliation, so as to bring America back to her former disposition. He *believed* his grace, for he was certain that the resentments of America were not directed against any *particular* set of men; he was convinced that they despised their supposed friends, as well as their pretended enemies; and that their intentions were uniformly from the beginning to render themselves *independent* of the parent state.

The Duke of *Richmond*, mistaking his lordship's words, desired that he might be permitted to explain himself; he supposed that the last noble lord imputed to him the following words: "though there should be a change of men, there will be no change of measures." He therefore begged to be understood, that he neither meant, nor made use of any such expression. He thought it necessary, for he was certain, if there was a change of men, there would be a change of measures. For his part, he did not wish to take any official part in any such change, for the reason before assigned; because he was morally certain, that all attempts to recover America would be in *vain*; the moment was *past*, that country was now *irretrievably lost*.

The Earl of *Sandwich* appealed to their Lordships' recollection, if the noble duke had not totally mis-stated his words, and misconceived his meaning, and wished to be set right, whether he had done more than repeat the words in the manner now explained by his grace, as an argument to prove, that nothing now remained but to exert the force of this country to the fullest extent, in reducing America to a proper state of legal and constitutional dependence.

The Duke of *Grafton* prefaced his particular sentiments of the measures chalked out in the speech, in the strongest disapprobation of the conduct of administration from the beginning. He pledged himself to the House, and to the public at large, that while he had a leg to stand on, he would come *down*, day after day, to express the most marked abhorrence

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of the measures hitherto pursued, and meant to be adhered to, in respect to America. He condemned, in terms equally explicit, and unreserved, the measures which had compelled America to declare herself independent, though he was sorry for it, and thought she acted extremely wrong in so doing. He said, ministers had not only effected this part of their scheme, by a set of the most cruel, oppressive, destructive, and impolitic laws, that were ever devised by a deliberate assembly, but they had likewise brought themselves into a situation, which had been often predicted by those on this side of the House; he intended by this expression, he said, no particular distinction of party; he meant only the noble lords with whom he voted in the course of the last session on American affairs. Those predictions ministers affected to disbelieve; though the experience of that day, the very speech delivered from the throne, proved this truth; and when other circumstances came to be revealed, their veracity could not be questioned, they were beyond the reach of doubt, much less of naked contradiction. He was justified, from an authority which could not be disputed, to aver, that four ships of the line, with a considerable number of land forces on board, had lately sailed from Cadiz; that another fleet of seven men of war of the line, with a body of at least 10,000 land forces, were preparing to follow them; that the French had been for some months busily employed in making very formidable naval preparations; the consequence of which was, that a strong squadron of men of war were now lying at Brest, completely fitted and manned, waiting only for orders to proceed to the place of its intended destination. His grace attributed our present alarming situation to a want of proper information; it was, he contended, the great cause of all our misfortunes. Parliament was led blind-folded; they assented to every thing ministers proposed; they reposed an unlimited confidence in their assurances; and though, perhaps, from the same spirit of obstinacy and infatuation, they should wilfully continue to persist in error, they must acknowledge, that they were grossly, and, he believed, wilfully deceived. He reminded ministers, how often, and with what confidence, the last year, when the possible, if not probable, interference of foreign powers was suggested, as a strong ground of expediency for us to relax in our claims on America, and to adopt conciliatory measures, they pledged themselves to Parliament, that *no* impediment or obstruction was to be dreaded

from that quarter; that our court daily received the most full and satisfactory assurances, assurances that might be *safely relied* on, of the pacific disposition of both France and Spain; yet all of a sudden press-warrants are issued, while, if the speech may be depended on, such a *precaution* is unnecessary. Two days before the meeting of Parliament, the substance of the speech is flatly contradicted, the assurances are no longer to be relied on; the noble lord who presides at the admiralty tells you, that it became necessary to prepare for the worst. Does his lordship mean to amuse us, by telling us, that our present armament was only meant to put us in a state of defence, confessing by that assertion, at the same time, that, before the steps now taken, the nation was not in a proper state of defence, contrary to the repeated assurances that his lordship had given to this House that it was?

The Earl of *Sandwich* (to explain) insisted that he never meant to say, that the nation was not in a state of defence previous to the preparations now going on; for he was certain that we were all along prepared; what he meant to say was, that as a dispute subsisted between Spain and Portugal, which might call for our interference, as well as mediation, if pushed to extremities, he thought it his duty to prepare for the worst, in order to give our mediation the proper effect.

The Duke of *Grafton* replied to this explanation by observing, that although every thing asserted by the noble lord had been literally true, he begged leave to differ from him in thinking, that our home defence could be looked upon as complete, while we solely depended on our navy. Adverse winds, and a thousand accidents fleets were liable to, pointed out the necessity of auxiliary assistance, such as a strong military force, should an enemy by chance, or any other means, effect a landing. A strong instance of the truth of this observation had, he begged leave to remind their lordships, happened during the late war, when Sir Edward Hawke was wind-bound in Torbay, so as not to be able to prevent Conflans from invading some part of these kingdoms, though he was apprized of his intention. At the critical instant Providence interposed, and the wind suddenly changing, Sir Edward was enabled to proceed to sea, and meet the enemy at the very moment they had cleared the land, by which fortunate circumstance he was enabled to engage them, and defeating them, prevented an invasion *which might have been productive of the worst consequences.*

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His grace concluded, therefore, in answer to the noble earl's general argument in support of the measures of administration (allowing every one of his lordship's assertions to be founded in fact, and to carry with them the effect they were wished to produce), that a powerful naval force was not sufficient alone for home defence; that the silence of the other members of the cabinet had the most unfavourable appearance; and as the noble lord seemed to trust so much to the respectable state of the navy, previous to the press, he would be glad to have a specific answer to this question—Was the naval force, a few days since, a sufficient defence against that now fitting out, and ready to sail from Brest? Because, if it was *not*, then Parliament had been designedly *misled*, the nation had been grossly and criminally deceived, ministers had trusted the safety of the kingdom to an inferior force, and had by so doing given Parliament official information that was not to be relied on. Such then being the state of public affairs respecting both America and the unfavourable dispositions, if not the *direct hostile intentions* of foreign powers, the *love* he bore his country, his *respect* for his Sovereign, his *duty* as a member of that House, *forbid* him to approve of an address so big with mischief, and so much calculated to *lull* the nation into a *fatal* security, while its dearest interests, its very existence, were on the eve of being ultimately decided upon. On the contrary, he would most earnestly recommend, at this alarming crisis, to suspend all further proceedings, in order that the House might resolve itself into a committee, to inquire into the state of the nation; to learn the true causes which have occasioned the revolt of our American subjects; to discover their authors; and to devise the best measures for *rescuing* the nation from the innumerable perils with which it is at the present instant surrounded.

The Earl of *Sandwich* said, he could give a direct answer to the question now proposed: he could assure the House from his own certain knowledge, that before any late preparation was made on our part, we had a naval force sufficient to cope with any *now* at Brest, fitting out there, or preparing to depart. The armament alluded to was but a small one, consisting only of six ships of the line; but if it had been *greater*, we were sufficiently prepared. In answer to something suggested by the Duke of Grafton, relative to the real motives of the armament, whether it was, or was not occasioned by the disputes subsisting between Spain and Portugal—he said it was *not*; but as France had thought proper to augment her navy,

navy, he thought it his duty to agree with his brethren in office, not entirely to trust to assurances. Assurances were on some occasions to be firmly relied on, when they were *accompanied* with appearances that bore a full and unequivocal testimony of their truth; when they were *not*, they became an object of serious attention, and called for suitable measures from those whose business it was to watch them. As to the expence objected to by the noble duke, however prudent it might be to attend to it in some situations, in others it became an object of no concern. An early and timely preparation on our part would have the effect of *substantial economy*; it would probably be the last expence; for, by incurring it in time, it might, perhaps, prevent a much greater.

The Duke of *Richmond* again rose; he begged to state the question on a larger ground than it was propounded by the noble duke who spoke last but one. He observed, that the noble lord who undertook the defence of administration, had *confessed*, that the French were fitting out a fleet at Brest; that in consequence of that armament, not on account of the dispute between Spain and Portugal, his lordship, with the rest of the cabinet ministers, had advised his Majesty to make the present proposed naval augmentation. He should therefore be glad to know, if the preparations in the ports of France were of a long standing, or whether they came only to the knowledge of administration within a few days; and if they were of a long standing, how came administration to defer taking the necessary measures earlier? He again reprehended ministers very severely on this silence, which if longer persisted in, he should impute to the most unbecoming and criminal contempt, or to their inability of giving a satisfactory answer.

Lord Viscount *Weymouth* said, the absence of two cabinet ministers, [Lords Gower and Suffolk] was the occasion of that silence on the part of administration which had been improperly imputed to a reluctance or inability to give satisfaction to the House. He defended the speech from the several objections made to it; and said, he particularly rose to explain a matter which had been unwarrantably pressed on the noble earl who spoke last on the same side. The noble duke who spoke before him proposed the following dilemma:—either administration knew of the armament fitting out at Brest, or they did not; if they did, and failed so much in their duty as not to take the necessary steps to meet and counteract,

counteract, then we were blameable; if they did not, they were still more censurable for neglecting so indispensible a part of their duty. Now, in his opinion, without admitting either conclusion, the matter might be cleared up, and ministers, instead of incurring any just censure, would be found to have acted perfectly consistent and judiciously; for they knew that the preparations were going on, and they resolved to keep pace with them. In answer, therefore, to the charge why did you not arm earlier? It is enough to say, that notice was received of the armaments going on in France; that administration availed themselves of that *information*; that the ships intended for service were fitted for sea; and that when the moment arrived, in which it was prudent for this country to make her real intentions known, orders were given for a press, the ships were ready to receive the men, and, as soon as the number of seamen necessary to proceed to sea are procured, it is only to ship them, and the business will be compleated. He congratulated the nation on the address, and the expedition with which the whole was executed; and was glad to find, though nothing of the kind was intended, that the secrecy with which the whole was conducted, should make the transaction pass unobserved in general, and should have, in particular, escaped the eagle and observant eyes of the noble lords on the other side of the House, who, by their total ignorance of the precautions and preparations his Majesty's servants had wisely been making, shewed their vigilance and activity, while it demonstrated the prudence that accompanied that vigilance which could effect its purposes, without creating an alarm either at home or abroad. It was no secret to great numbers, that the nation was not only prepared, but earlier prepared than was expected by those who might think they would have an interest and advantage in being before-hand with us, and thereby taking us by surprize.

The Duke of *Richmond* returned to the question put to the first lord of the admiralty by the noble duke in the blue ribbon [the Duke of Grafton.] He said his lordship had artfully evaded giving a direct answer to the question proposed to him. He had answered, that the naval force of this country, before the press-warrants were issued, was superior to the armament then fitting out at Brest. He begged leave to put the question upon a more general ground. Is the naval force of Britain, now ready to proceed to sea, sufficient

sufficient for home defence, and for the necessary defence of the empire, supposing that France and Spain should break with us, either by abetting America, or in case of an attack upon Portugal? This, his grace said, was a question that could not be evaded or answered in the affirmative, without a professed design to mislead the House, and impose on the nation.

The Earl of *Sandwich* answered, that our fleet was in prime condition; that the complements of our ships were nearly made up; and that we could fit out a fleet at a short notice, nearly equal to all the powers of Europe.

The Lord *Wycombe* [Earl of Shelburne] said, said he was *astonished* that the House could continue to submit coolly to the contempt with which administration had treated it, both in the speech, and the manner in which the speech was defended in the course of the evening. The speech, he said, was a piece of metaphysical refinement, framed with a purposed design to *impose*; the defence made to continue the imposition, was nothing more than a string of sophisms, no less *wretched* in their *texture*, than *insolent* in their *tenor*. He said, he was no great metaphysician, but still he knew enough of the science of metaphysics to see and detect the manifest falsehoods, clothed in the semblance of truth, particularly when the garment was so thin, or the disguise so gross and ill-suited, that further *confidence* would be madness, and remaining in error would be the effect of the most senseless stupidity.

Such being the contents of the speech, the manifest intention of its framers, and the shameful conduct of its defenders, he begged the indulgence of the House, while he briefly delivered his sentiments on those several points. As the first part of his engagement, he proceeded to consider the speech paragraph by paragraph. In the execution of this task, he trusted he should *prove*, that it was fraught with a mixture of the most unqualified absurdity, treachery, cruelty, *hypocrisy*, and *deceit*. The very opening of it was manifestly fallacious; for how was it possible to expect *unanimity* at home in support of the prosecution of a war, the original object of which was professedly to *enslave* three millions of British-born subjects? How could ministers dare to call for unanimity from those whom they had so repeatedly insulted, betrayed, and deceived? and the imputation of unanimity was still more absurd, when it was looked for from those who had so often predicted, nay, literally foretold them every circum-

circumstance which had happened in the course of this cruel and bloody business to the present instant; and had frequently, during last session of parliament, faithfully described the present awful and alarming state of this country, both in regard of her subjects in America, and her home security. —His lordship observed, that the first paragraph contained many specious falsehoods, as well as those he had just remarked on. It charged the Americans with "*rejecting* the *means* of conciliation held out to them under the authority of our commission, with circumstances of indignity and insult." —This, his lordship contended, was no less *untrue*, than plausibly and artfully stated. For the pretended *means* of *conciliation* alluded to, were held back so long, the commission not being made out, nor the commissioners sent, till about the middle of May, that the people of America, if the commissioners were armed with powers sufficient to hold out fair and solid *means* of conciliation, were fully justified in declaring themselves independent, from the most obvious motives of *self* preservation; but when these *pretended* means of conciliation held out nothing but a *naked* offer of pardon, on the terms of *unconditional* submission, the hitherto unparalleled effrontery of ministers, who could thus dare to deceive their sovereign, could now be only equalled by the political blindness and tame servility of those who could *submit*, or *swallow* such gross deviations in point of fact, and misrepresentations in argument and conclusion. Every opprobrious charge which could tend to inflame the people of this country against their fellow subjects in America, was *stuffed* into the speech, and had been *copied* and *improved* on by the friends of administration, particularly two or three of the noble lords who spoke early in the debate. They have been represented daring, desperate, traiterous, insolent, ungrateful, and rebellious. These, he said, were strong charges, and they required suitable *proofs*. For his part, whatever the speech may have decided, or however eager the supporters of the speech might have been to *improve* on the pattern or doctrines therein laid down, he could never be persuaded to deem people taking up arms in defence of their property, their privileges, and unalienable rights, *rebels*; if such doctrines had prevailed at the time of the Revolution, their lordships would not then probably be sitting in that House. If resisting a *lawful* authority, though perhaps not a *rightful* authority, be the essence of treason, the Whigs at the revolution were *rank* rebels, in the sense the

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speech used the term. King James the Second was their lawful King! It is true, he endeavoured to trample, and in some instances, did invade their rights; but still, if a *resistance* of *lawful authority* constituted an act of treason in every possible event, the Whigs in 1688, and the Provincials now in arms, may be deemed rebels. It was an opinion he never could accede to; he would always continue to think, that both were a *constitutional* resistance to a power *originally legal*, but which, by an unconstitutional exercise of it, had *degenerated* into the most oppressive stages of an *usurped arbitrary* power.—He said, while he gave his opinion so explicitly on the sufferings of America, he would wish to be understood, that he never meant this country should *relinquish* its right of *commercial controul* and *regulation* over that; on the contrary, he always thought, that that power of regulating the trade of the colonies, was the very essence of the political connection subsisting between both countries; that even if this regulatory power was defined in its most full and extensive sense, and acknowledged on the part of the colonies, yet something more might be still expected; the national debt, under which the people of this country now groan, is truly and *equitably* the debt of every individual in the whole empire, whether in Asia, America, or nearer home. But until the Americans had full *satisfaction* on the question of *taxation*, and ample *reparation* for the attack on their charters, till the exclusive right of taxing themselves, and the most solemn security was given them for their colonial privileges, derived through their respective legislative assemblies, it was in vain to talk of conciliation.—It was possible extirpation might follow from the *means* of *conciliation* held out to them, but he was certain, notwithstanding what may have been held out in the speech, *conciliation* never would.—These, he said, were his general sentiments, relative to that species of dependency America owes of *right* to the parent state. It might not meet the approbation of a great number of persons on the other side of the Atlantic: That, however, did by no means influence his opinion: it had been the same from the beginning. He did not now take it up, because our affairs in that country wore at present a more favourable aspect than at any time during the last session; for he expressed himself precisely in similar terms, at the time that America was flushed with success; when they had every foot of Canada in their possession, the town of Quebec excepted. He referred to the pamphlet written

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by Doctor Price, at the end of which a speech was printed in his name, which he owned was authentic.

The second paragraph in the speech was another metaphysical refinement, equally ill supported in fact or argument; if it contained any substantial truth, it was, that the same violent oppressive measures were determined to be pursued; that we must prepare for *another campaign*, and that the foreign mercenaries had executed, with a *bloody* alacrity, the *horrid* purposes of their paymasters, by butchering our fellow-subjects in cold blood. It was a very proper and timely eulogium in return for a faithful discharge of their duty, and, he presumed, was intended to operate as a powerful stimulative to perseverance in the same commendable line of conduct.

On the third paragraph he likewise commented. And insisted, that it was fraught with the most gross and notorious falsehoods; "*no* assurances of amity were, or could be, received; and if they were received, and could be depended on, why arm? why put the nation to so monstrous an expence? why dispatch your press-gangs in every quarter of the town? why let loose so many bands of ruffians, to enter by force into people's dwellings, to drag the unhappy master of a numerous family from them, aboard a tender, where perhaps the first account they hear of him is, that he died of grief and vexation, or of the cruel usage and bad treatment he received before, or during his passage to, or being aboard at the Nore.—His lordship, however, was proud to find, that by the spirited conduct of an able magistrate, the lord mayor of London [Mr. Sawbridge] a *stop* had been put to those horrid outrages within the limits of his jurisdiction.—He had refused to back press-warrants, though it was insinuated by those that applied, on his refusal, that the request was merely complimentary, for that the press would be carried into the city. He said, if any proof were wanting of the unpopularity of the present barbarous war, that honest magistrate's, conduct, as expressing the sentiments of the inhabitants of the first city in the empire, perhaps in the world, was the most irrefragable and conclusive. If, upon any other occasion, the most distant prospect of a foreign war was only so much as talked of, the citizens of London would be the foremost and most conspicuous in expressing their *zeal* for *chastising* our foreign enemies; but when it was known, that the present threatened rupture is *connected*, or, more properly speaking, is a *consequence*

quence of an unnatural proscription of three millions of their fellow-subjects, the spirit of the nation is bowed down and enfeebled, their hearts, as well as their countenances, are frozen, and they even remain in a kind of political stupor, scarcely venturing to decide in their own hearts, whether a vigorous resistance against our foreign enemies may *not* be the *means* of ensuring evils, no less to be avoided, than even defeat from the hands of our natural foes, that of *forging chains* for our American brethren, as the leading measure in *due season* to the rivetting them on themselves. His lordship assured the noble earl, [Lord Sandwich] who supposed that he went over to the continent to seek intelligence, that he was misinformed, or mistaken in his conjectures. It was true, that he did go to France towards the latter end of the summer, but with no such intention as the noble earl was pleased to impute. He was in Britanny, and in several parts of the sea coast, where he received every mark of politeness, hospitality, and kindness, that was in the power of the inhabitants of the country to bestow; it was, he said, the native disposition of the nobility and gentry of France, to conduct themselves in that manner towards all strangers of rank, or worthy of note. He was certain, that there was not one of their lordships present, if in his situation, who would not have had a reception equally kind, friendly, and respectful. It would ill become him, therefore, if he had learned any thing, through such a confidential medium, to disclose it. He trusted, he was incapable of acting in such a manner; but whatever wit there might be in the noble earl's insinuation, there was nothing in it solid, or relative to the present subject of debate; for without stirring out of England, without looking for official information, every body had repeatedly heard, that Spain and Portugal were seemingly on the eve of a rupture, relative to a dispute of boundaries of territory in the Brazils, which, in its consequences, was likely to involve Britain in a war; that Spain and France had been arming for some months; that a formidable fleet is now fitting out at Brest; that the French and Spanish ports were rendered asylums and places of safety to the American privateers, both in Europe and the West Indies; that warlike stores were daily transported both in French and American bottoms, openly from almost every port in France; that the latter court had, as often as applied so, positively refused to forbid or prohibit American trading vessels or ships of war from entering their ports; and that, to complete the whole,

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a person from the Congress, if not two or three, were now in a public character at the court of Versailles; not perhaps received with the formalities of an envoy extraordinary, to agree upon specific articles, but most certainly armed with all the efficient powers of a person treating on the part of an independent state, on certain preliminary conditions, leading to engagements of a most consequential and important nature. These being incontrovertible facts, daily repeated in the public papers, and known universally to every person who spent a single hour's consideration, or bestowed the least degree of attention on the subject, he looked upon himself fully satisfied in flatly contradicting the passage alluded to, and solemnly affirming, that we do *not* continue to receive *assurances* of *amity* from the several courts of Europe, or that, receiving them, it was a gross imposition on Parliament, to even *insinuate* that they were to be relied or depended on. His lordship turned with great indignation on the cabinet ministers; said, it was very lucky for such of them as were absent; for surely, in the present situation of affairs, they must cut a very aukward figure: but he was astonished how the noble viscount could so forget, as to say, that we had been preparing for some months, when the contrary was well known to every clerk and store-keeper in the several dock-yards; nay, a most curious circumstance was generally reported, and believed to be true, which was, that the speech, as first manufactured, was obliged to be altered two days before its final revision; such being the information ministers had of the disposition of foreign courts on the Thursday night, or Friday morning, previous to the issuing the press-warrants. He reprehended the noble lord whose province it was to procure the necessary information, in very severe terms. He said, when he had the honour of occupying the same post, he spared no pains or expence to be fully, timely, and minutely informed. He was apprized of every step taken by France, in relation to the purchase and intended conquest of Corsica, from its very commencement. While that matter was in agitation, he kept it continually in his mind, and often thought of it on his pillow; and though he was left alone, and deserted by all his colleagues in office, and brethren in cabinet, he had the conscious pleasure in recollecting that he had done his duty, and that nothing could be fairly imputed to his neglect or inattention.

On the concluding paragraph of the speech, his lordship was also severe. He said, it was a compound of the most glar-

ing hypocrisy and deceit, unless attempting to rob the people of America of their *property*, by laying taxes without their consent or approbation, or stripping them of their charters, the only legal foundation of their legislative and personal privileges, as a proof "that no people ever enjoyed more happiness under a milder government," or unless, since the resistance to this *mild* government, the sending over an army of blood-thirsty foreign mercenaries to cut their throats, as the first step "to restore them the blessings of law and liberty, equally enjoyed by every British subject," be a truism, he could not discover the most distant semblance of truth throughout the whole sentence. His lordship concluded with calling on the cabinet ministers present, to declare whether they had applied to the court of Versailles on any of the leading points now mentioned; whether they were disavowed, mitigated, or explained by that court; whether, on the other hand, they were openly avowed, or replied to in such a manner, as to give us to understand that they would, when their armaments were rendered more forward. These, his lordship insisted, were matters that called for so many explicit answers: that until explanations were had on them substantially, or in detail, it was impossible that their lordships could with safety proceed, much less vote, the present address, which might, or might not, be true, taking the matter in the most favourable light.—In fine, it was absurd, it was an insult on common sense, to talk of "*assurances* of *amity* from foreign powers," while some of those powers were, at least hitherto, known to secretly abett, and, in some instances, openly countenance, nourish, and support, our subjects now resisting our authority in America.

The Lord *Osborne* [Marquis of Carmarthen] said he was far from approving the conduct of administration; he was satisfied that they justly incurred censure in several parts of it; yet he could by no means agree with the amendment, as it held out investigation and inquiry at the instant that the fullest exertion of the naval and military strength of Great Britain was called for, as well for our own protection, as to bring back our subjects in America into a constitutional acknowledgment of the superiority of this country as the parent and governing state: when that acknowledgment was obtained, then he would recommend the most mild and conciliating terms that could be well imagined. No noble lord in that House would go further, or more cheerfully,

cheerfully, in restoring peace upon fair, equitable, and reasonable terms, than he would, if they submitted to the legislative power of this country; till that should happen to be the case, none would more zealously support such measures as might promise to compel them to a constitutional submission to the British legislature. Nothing came more fully up to the ideas he entertained, and wished to convey on the great American question, than the declaratory act passed in 1766, on the repeal of the stamp act; that asserted the legislative supremacy of this country in its fullest extent; and he was astonished that the framers of that act could offer to defend America, when the very resistance, which produced the present unhappy civil war, was made expressly in contradiction to the parliamentary rights therein maintained. He spoke much of the ingratitude of America, the favours we had heaped upon her, and the insupportable burdens we had loaded ourselves with, in rearing, nourishing, and protecting her, till at length we had raised her to a pitch of strength and opulence, sufficient to trust the decision of her cause to the event of arms. Such was the state of things; and now we had no alternative, but either to suffer America to erect herself into an independent sovereign state, which was an opinion, he trusted, would never prevail in that House, or exert ourselves to the utmost stretch of our abilities. He said, the success of our troops at Long Island, and the probable good consequences it may be productive of, would, he hoped, give us such a footing in America, as would break the rebel confederacy in some measure. If New York is taken, which he had little doubt was the case before now, a civil government might be re-established there, which would afford an asylum to those who were forced into a rebellion against their inclination, or had suffered for not doing so. It would give an opportunity to the friends of Great Britain to shew their attachment to the parent-state, and might probably in the end form so powerful a balance, as would be sufficient to restore that country to a state of obedience and tranquillity, without the sad necessity of wading to it through blood and slaughter.

The Earl of *Shelburne* perceiving that the Earl of Sandwich declined giving any answer relative to what steps had been taken by administration towards bringing the court of Versailles to an eclaircissement, on account of the open countenance and secret assistance which had been given to America in the course of the present civil war, called once more

on his lordship, and at the same time insisted he should give the House some information relative to the state of the navy, the number of ships we could fit out upon an emergency, a list of those now serving in America, and the force collected in the French ports.

The Earl of *Sandwich* said, he did not think himself permitted to give the explanation required: such an explanation would not be prudent at this time. If the intentions of France were hostile, it might not be proper, though he believed they were not. At all events, he thought such an eclaircissement would be highly improper, respecting our home defence. As for the force serving in America, it consisted of two ships of the line, ten fifties, and seventy-one frigates and armed vessels, amounting in the whole to eighty-three ships and vessels of war, and 15,000 seamen.

The Earl of *Shelburne* said, he did not make the requisition now evaded, by way of a personal application. He knew his lordship too well, and had too thorough a knowledge of him, to trouble him on any subject on which he should be obliged to *depend* on *his word*. He called upon him in his official character, and expected to be *answered*.

The Earl of *Sandwich* said he could not satisfy his lordship; that the question was of too delicate a nature to admit of an explanation. That nothing was said in that House that did not get out; that let our force be what it might, we should, from motives of policy, forbear to disclose it, particularly when foreign powers were arming, and known to be in some degree of forwardness; that if we had any enemies, they would be soon made acquainted with our situation.—It might be supposed, that people would not be wanting; nay, if all other means were denied, the very door-keepers might, and must have it in their power to disclose that species of intelligence which it is our business to conceal.

The Earl of *Shelburne* said, he was astonished that any man in office in that House, who was responsible to the public, and accountable to their lordships, dare, upon so important an occasion, trifle with the House, and refuse the necessary information, when he at the same time confessed it was in his power to satisfy them.—Here a great confusion arose, and a general call for *order! order! order!*

The Duke of *Richmond* contended, that his noble friend was by no means disorderly; that as a lord of Parliament, sitting in that House, and called upon for his advice, he

had

had a right to have the question now put, fully and fairly answered.

The Earl of *Sandwich* replied, he was in the judgment of the House; that he was *ready*, if the House insisted on it. [A cry of *No*; *no*; *no*.]

The Earl of *Bristol*. I think the noble earl is properly justifiable in not answering the question now so warmly pressed, unless at the express desire of the House. The House do not wish for any such explanation, in which, I am of opinion, they have acted very wisely. It would answer no one good purpose: I am certain, taking the fact either way, it might be productive of many bad ones. The noble earl preserves every possible confidence that can be reposed in him. I had the honour of sitting with him at the board at which his lordship now presides, and can, from my own knowledge and experience in my profession and official character, affirm, that no man is capable of discharging the duties of the important station he now fills with more fidelity and ability than his lordship. The noble lord who spoke last but one [Lord Shelburne] is very desirous to be acquainted with the detail of our naval force at home. I can tell his lordship, that we have twenty-three ships of the line, their complements nearly full, and the ships in a condition to proceed to sea at a day's notice. I will tell him further, that the present press will furnish us with seamen sufficient to man the ships going to be put into commission; that we may have forty sail of the line ready for sea by the first of March; nay, I may venture farther, and assure the House, that they will be ready early in February. From which I am fairly authorised to draw this clear deduction, and which will be partly an answer to the question put early in the debate by the noble duke in the blue ribbon [Duke of Grafton]; the other noble duke who enlarged the question, [Duke of Richmond], and by the noble lord, [Lord Shelburne] whom I last mentioned; and it is this; that the guardships are a *full match* for any naval armament now ready in the French and Spanish harbours, and that the additional armament proposed to be fitted out, will give us such a fleet, as the whole combined force of France and Spain will not, by the time I have first stated, be able to cope with.

The same noble lord has passed great encomiums on the chief magistrate of the city of London, for what his lordship is pleased to term, that magistrate's spirited and commendable conduct. He has, he says, refused to back the press-warrants. Now, for my part, I entertain a very dif-

ferent opinion of the worthy magistrate's conduct; and so far from being a popular step, I trust it will meet with that degree of public disapprobation it justly merits. The noble lord himself looks upon a war with France and Spain to be inevitable: we may presume, that his lordship and his favourite magistrate, unite in opinion. How then are we to interpret the conduct of one, or the approbation of the other? They must know, that though the strength and security of the island is known to depend upon our navy, that without seamen, ships are of no service, and that on emergencies, such as the present, we are always obliged to have recourse to a press; yet what must we think of those who, at so critical and alarming a crisis, would sooner sacrifice, not only the interests, but hazard the very existence of the nation, to party views and personal resentments. The noble lord supposes, that the absence of the greater part of our frigates on the other side of the Atlantic, is at present a very dangerous circumstance, if any actual sudden operations were intended to be carried into execution. That, however, is not the case; nothing of the kind is expected: but even if it were, we have several frigates at home, fit for service, and several others that could be easily made ready for sea at a short notice; besides, if things should take a more serious and decisive turn, we could order home a sufficient number from America. Without sending for them, now that the landings are effected, there will be no occasion for such a number to be kept in America; consequently several of them will return to Britain. My lords, I have spent the greatest part of my life in the naval service, and mean to dedicate the remainder to my profession, if circumstances should make it necessary. I know that things wear a suspicious appearance; but I know likewise that we are, as the noble earl has more than once assured your lordships this night, prepared for the worst. The British navy has always hitherto been invincible, and I trust ever will. Whatever character I have obtained in the service, either as an official or a professional man, I am ready to stake it, that we will be more than a match for our enemies, taking the question of a rupture at the present, or at any more remote period. I am, my lords, thoroughly convinced of the truth of what I now advance; and, as the best proof, both of my own conviction and of my readiness to support those sentiments, am ready to take any command which it may be thought proper to entrust me with. I will never serve in any other character but

that

that which I have been accustomed to from my earliest youth. I would decline any other were it offered to me, while I would cheerfully execute any commands which might be laid upon me in the way of my profession.

The amendment being negatived, was entered as a protest, of which the following is a true copy.

Amendment proposed to be made to the motion for an address on his Majesty's speech.

To assure his Majesty, that, animated with the most earnest and sincere zeal for his true interest, and the real glory of his reign, we behold with inexpressible concern the minds of a very large and lately loyal and affectionate part of his people entirely alienated from his government. Nor can we conceive, that such an event as the disaffection and revolt of a *whole people* could have taken place, without some considerable errors in the conduct observed towards them.

These erroneous measures, we conceive, are to be imputed to a want of sufficient information being laid before Parliament, and to too large a degree of confidence being reposed in those ministers, who from their duty were obliged, and from their official situation were best enabled, to know the temper and disposition of his Majesy's American subjects, and were therefore presumed most capable of pointing out such measures as might produce the most salutary effect. Hence the schemes which were formed for the reduction and chastisement of a supposed *inconsiderable party* of factious men, have driven thirteen large provinces to despair. Every act, which has been proposed as a means of procuring peace and submission, has become a new cause of war and revolt; and we now find ourselves almost inextricably involved in a bloody and expensive civil war; which, besides exhausting at present the strength of all his Majesty's dominions, exposing our allies to the designs of their and our enemies, and leaving this kingdom in a most perilous situation, threatens in its issue the most deplorable calamities to the whole British race.

We cannot avoid lamenting, that in consequence of the credit afforded to the representations of ministers, no hearing has been given to the reiterated complaints and petitions of the colonies; neither has *any* ground been laid for removing the *original cause of these unhappy differences*, which took their rise from questions relative to parliamentary proceeding, and can be settled only by parliamentary authority. By this fatal omission, the commissioners nominated for the appa-

rent purpose of making peace, were furnished with no legal power but those of giving or with-holding pardons at their pleasure, and of relaxing the severities of a single penal act of parliament, *leaving the whole foundation of this unhappy controversy just as it stood at the beginning.*

To represent to his Majesty, that in addition to this neglect, when, in the beginning of the last session, his Majesty, in his gracious speech to both Houses of Parliament, had declared his resolution of sending out commissioners for the purposes therein expressed, *as speedily as possible*; no such commissioners were sent until near seven months afterwards, and until the nation was alarmed by the evacuation of the only town then held for his Majesty in the thirteen united colonies. By this delay, acts of the most critical nature, the effect of which must as much depend on the power of immediately relaxing them on submission, as in enforcing them upon disobedience, had only an operation to inflame and exasperate. But if any colony, town, or place, had been induced to submit by the operation of the terrors of these acts, *there were none in the place*, of power to restore the people so submitting to the common rights of subjection. The inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means provided for their entering into it, were furnished with reasons, but too colourable, for breaking off their dependency on the crown of this kingdom.

To assure his Majesty, that, removing our confidence from those who in so many instances have grossly abused it, we shall endeavour to restore to Parliament the confidence of all his people.

To this end it may be advisable to make a more minute inquiry into the grievances of the colonies, as well as into the conduct of ministers with regard to them. We may think it proper particularly to inquire, how it has happened, *that the commerce of this kingdom has been left exposed to the reprisals of the colonies*, at the very time when their seamen and fishermen, being indiscriminately prohibited from the peaceable exercise of their occupations, and declared open enemies, must be expected, with a certain assurance, to betake themselves to plunder, and to wreak their revenge on the commerce of Great Britain.

That we understand, that amidst the many disasters and disgraces which have attended on his Majesty's arms in many parts of America, an advantage has been gained by his

by his Majesty's British foreign mercenary forces in the province of New York. That if a *wise, moderate, and provident use be made of their advantage*, it is not improbable that happy effects may result from *that use*. And we assure his Majesty, that nothing shall be wanting on our part, to enable his Majesty to take full advantage of any dispositions to reconciliation, which may be the consequence of the miseries of war, by laying down, on our part, *real permanent* grounds of connection between Great Britain and the colonies, *on principles of liberty, and terms of mutual advantage*.

That whilst we lament this effusion of English blood, (which we hope has not been greater, or other than necessity required, and honour justified) we should most heartily congratulate his Majesty on any event leading to the great desirable end of settling a peace, which might promise to last, by the restoration of the ancient affection which has happily subsisted in former times between this kingdom and its colonies: any other would necessarily require, even in case of a total conquest, an army to maintain, ruinous to the finances, and incompatible with the freedom of his Majesty's people. We should look with the utmost shame and horror on any events, of what nature soever, that should tend to break the spirit of any large part of the British nation, to bow them to an abject unconditional submission to any power whatsoever, to annihilate their liberties, and to subdue them to servile principles, and passive habits, by the mere force of foreign mercenary arms. Because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions. Our wish is, to regulate, not to destroy them. For though, differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think OF WHOLLY EXTIRPATING THEM BY THE SWORD IN ANY PART OF HIS MAJESTY'S DOMINIONS, WITHOUT ADMITTING CONSEQUENCES, AND ESTABLISHING PRECEDENTS, THE MOST DANGEROUS TO THE LIBERTIES OF THIS KINGDOM.

The question was put, Whether these words shall stand part of the motion?

It was resolved in the negative.

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Dissentient.

Dissentient.

MANCHESTER.	ROCKINGHAM.	DE FERRARS.
PORTLAND.	KING.	EFFINGHAM.
RICHMOND.	CRAVEN.	ABERGAVENNY.
SCARBOROUGH.	FITZWILLIAM.	PONSONBY.
DEVONSHIRE.	ABINGDON.	

November 1.

Address presented.

The humble Address of the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious speech from the throne.

It is with the truest satisfaction we congratulate your Majesty on the success of your arms in the province of New York, the recovery of Canada, and the fair prospect of decisive good consequences which, under the blessing of Divine Providence, is now opened by the firmness of your Majesty's councils, the valour and good conduct of your Majesty's officers and forces by sea and land, and by the zeal and bravery of the auxiliary troops in your Majesty's service.

We beg leave to assure your Majesty, that nothing would have given us equal happiness to the having been informed by your Majesty, at the opening of this session, that the troubles, which have so long distracted North America, had been at an end; that your Majesty's unhappy people in those provinces had recovered from their delusion, and, awakened by a due sense of their misfortunes and misdoings, had delivered themselves from the oppression of their leaders, and were returned to their duty. While we lament that your Majesty's humane and merciful intentions have been frustrated by the neglect shewn to the means of conciliation notified under the authority of your Majesty's royal commission, we feel the strongest indignation at the insolent manner in which they were rejected; and we want words to express our abhorrence of the desperate spirit of those overbearing men, who with an insatiable thirst of power and dominion, which has uniformly actuated all their proceedings, have now renounced allegiance to the Crown, and all political connection with Great Britain; and, with an arrogance equal to the enormity of the attempt, lest a doubt of their

real

real designs should remain on the breast of any person whatever, have set up their rebellious confederacies for independent states. We are fully aware of the mischief which would accrue from the success of this treason to your Majesty's loyal colonies, to the commerce of this nation, and more remotely indeed, but not less certainly, to the system of Europe, and to every state upon the continent of Europe possessed of distant colonies.

We reflect with pleasure on the solid advantage which will be derived from the object of the rebels being openly avowed and clearly understood, the unanimity which will prevail at home, founded in a conviction of the justice and necessity of your Majesty's measures. Inspired with the same zeal for the cause of our country, which animates the kingdom at large, we will steadily support your Majesty in the vindication of the honour of your crown, and the just rights of Parliament, and will cheerfully concur in making the necessary provisions for those great purposes.

The assurances of amity, which your Majesty continues to receive from the several courts of Europe, afford us great satisfaction; we entertain the most grateful sense of the endeavours which your Majesty is exerting to conciliate the unhappy differences between two neighbouring powers; and we trust that, by your Majesty's auspicious endeavours, these misunderstandings will be removed, and Europe continue to enjoy the inestimable blessings of peace. Permit us, Sir, at the same time, to return your Majesty our dutiful thanks for your provident attention in guarding against any events which may arise out of the present situation of affairs, by keeping us in a respectable state of defence at home.

With hearts full of duty and gratitude, we acknowledge the happiness which, under your Majesty's mild government, is extended to every part of the British empire; of which the late flourishing state of the revolted provinces, their numbers, their wealth, their strength by sea and land, which they think sufficient to enable them to make head against the whole power of the mother country, shew that they have abundantly participated. And we earnestly hope, that your Majesty's paternal object of restoring your distracted colonies to the happy condition from which, by their own misconduct, they are wretchedly fallen, will be speedily attained.

His Majesty's most gracious Answer.

My Lords,

I return you my thanks for this dutiful and affectionate address.

It

It is with the greatest pleasure I observe the satisfaction which the success of my arms against the rebels in North America has given to all my loving subjects. That which you express is highly acceptable to me.

The preservation of the public tranquillity; the happiness of all my people; and the maintenance of our most excellent constitution, are the invariable objects of my heart.

Adjourned to November 4.

November 4.

King's answer reported.

November 5.

Anniversary of the gunpowder plot.

November 6.

Private business.

November 7.

Nothing done. Adjourned to November 11.

November 11, 12, 13.

Private business. Adjourned to November 18.

November 18.

Private business.

The Earl of *Marchmont* said, he had observed, with some concern, the business of Parliament postponed in the early part of the sessions; in the winter time little done, and little to do; every thing put off from time to time, till the spring or summer, when every thing comes together; what with bills from the other House, what with reports from the judges, what with national affairs, what with appeals, and what with private applications, all the business was crowded into a few weeks of the summer, to the very great inconvenience of the peers attending the business, and to the no great benefit of the public. He therefore moved, "that no report of the judges, or private petitions, should be received after the 27th of March next, during the present session;" which was agreed to.

November 19.

No debate.

November 20.

Bills passed. Adjourned to November 25.

November 25.

Private business.

November 26, 27, 28, 29.

No debate. Adjourned to December 2.

December 2.

Bills passed. Adjourned to December 13.

December 13.

Day appointed for a general fast. Adjourned to January 23, 1777.

January

January 23, 1777.

Private business. Adjourned to the 27th.

January 27.

The same.

January 28.

The same.

January 29.

No debate.

January 30.

Decollation of Charles I.

January 31.

No debate. Adjourned to February 3.

February 3.

Private business. Adjourned to the 6th.

February 6.

Private business.

February 7.

The same. Adjourned to the 11th.

February 11.

In committee on the bill, (from the Commons) giving power to the lords of the admiralty to grant letters of marque, or commissions, for taking and seizing all ships and vessels belonging to the American colonies, and for other purposes therein mentioned;

The Earl of *Marchmont* objected to the word *marque*, as applying more properly against an alien enemy, and proposed, that the title of the bill be changed, and that wherever the word marque stood in the bill, in its original state, the word *permission* be substituted instead.

Earl of *Sandwich* said, the matter now urged was of so little consequence in itself, the word permission or marque being perfectly indifferent to him; yet he was to learn, what real or efficient distinction there was between the two. The idea, he believed, which prevailed in the other House, was simply this: the lord high admiral of Great Britain, or the commissioners appointed to execute that office, have at all times, as a matter inherent to their office, and competent to the due exercise of it, a right to issue letters of marque and reprisals, by way of general or particular indemnification. This inherent power has often been exercised. It was exercised before the Spanish war, that is, before war was announced, and hostilities formally declared. The admiralty board issued letters of marque and reprisal against all ships and vessels, the property, or belonging to the subjects of Spain.

Spain. The board, however, found themselves in a new situation, at the breaking out of the disputes with America; those letters had been always issued against foreign or alien enemies; the board consequently applied to Parliament for their assistance and advice; the consequence of which was, the bill now before their lordships. For his part, therefore, he was very indifferent which word stood; but unless some substantial reason was offered, he always understood it to be a rule of Parliament, never to alter a bill, because it gave trouble to no purpose.

Earl of *Marchmont* allowed, that the situation was new, and the distinction made very fairly and satisfactorily by the noble earl: but still, he wished that the bill might be worded in such a manner, as to remove all possibility of objection; and since it was substantially the same, he thought it might as well stand so, as to remove any doubt that the present bill meant to authorize a naval war, to be made against our American subjects, as against alien enemies. The amendment was agreed to. Adjourned to the 14th.

February 14.

The letter of marque bill reported, and the amendment agreed to by the House. Adjourned to the 17th.

February 17.

Private business.

February 18.

The same.

February 19.

The same.

February 20.

Second reading of the bill (from the Commons) to suspend the *habeas corpus* law, &c.

The Earl of *Coventry* asked, whether it was understood or intended, that without proof positively made, of a person being out of the realm, he would be liable to be apprehended on suspicion, and committed to prison during the continuance or operation of this act; or whether the party charged on suspicion may not, before commitment, be at liberty to exhibit proofs before a magistrate, of his innocence, or of his being within the realm at the time laid in the information, or grounds of suspicion.

Earl of *Suffolk* said, it was not the design of the framers of the bill to punish any innocent person whatever; that it was brought in as a measure of government to punish the guilty; that, however, it would be very impolitic, in his opinion,

opinion, to permit the friends and abettors of the rebellion in America to be at large, and at liberty to do mischief, without a possibility of preventing it. If the bill now read would admit of any such construction, for his part, he would be one of the first for supplying that defect. He supposed the grounds of suspicion necessary to apprehend, were meant to be such as would apparently and equitably justify such apprehension, and no other. He was certain such was the intention of administration; and he was also certain no other power was sought but what might be supported on necessity, blended and tempered with justice.

The *Lord Chancellor*, to the question put by the noble earl who spoke first, said, to be sure, if proper facts were stated and authenticated before the magistrate, to prove the innocence of the person charged or suspected, it would be a good cause not to commit. Law and justice required such an interpretation. It would, in his opinion, be competent to the magistrate to inquire into, and decide on the proofs, on either hand; and he recollected, he was one among a majority of his brethren, who determined in favour of the power of the magistrate to examine into and determine upon the degree of credibility the charge on ground of suspicion may be entitled to.

The bill was committed.

February 24.

In committee on the suspension bill. No amendment was made. The bill was immediately reported, and read a third time.

Resolved, that the bill do pass.

Dissentient,

First, Because I look upon this bill, not only as a part of that system of colony government, so inimical to civil liberty, so repugnant to the first and fundamental principles of the constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of universal benevolence; but because I see herein that system coming home to ourselves, and with hasty steps pointing its dangers, even towards the heart of the kingdom.

Secondly, Because the bill itself is attended with powers subversive of, and unknown to, the laws of the land, by apprehending persons, it may be, on groundless suspicion; by imprisoning perhaps the innocent, without the usual and necessary form of a single oath; and not too in the common jail of the

the county, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

Thirdly, Because, although the rider which has been added by the other House, does in some degree abate the rigour of this harsh and alarming bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West India islands, falling under its baneful operation; nay, even any individual of this country, who shall venture on the high seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

Lastly, Because the hour is come, if from motives of policy only, that coercion to lenity should give way.

(Signed) ABINGDON.

February 25.

Private business.

February 26.

The same.

February 27.

The same.

February 28.

The same.—Adjourned to March 3d.

March 3.

Bills passed by commission.—Adjourned to the 5th.

March 5.

Report of a private bill, called *Jackson's Estate bill*; which occasioned a debate: but in order to state the ground of it intelligibly, it will not be improper to give a brief account of the general nature of estate bills. The current idea on which they are framed, is either for relief or convenience. The former ground is, when a tenant for life, and the remainder man, from embarrassed circumstances, or motives for mutual benefit, enter into agreements for the sale of the settled estates. This, though supported by law, is productive of great abuse and much hardship; either from the remainder man parting with his interest considerably under the real value, or barring the entail, and cutting off the interest of the next in remainder; which, to be sure, is a clear specific legal right, and may be disposed of, in many instances, without the aid of an act of Parliament. The more general and direct mischief is, where tenants for life, on various pretences, come to Parliament, to enable them to sell part of their estates, settled on their own issue, and limited to their brothers, sisters, &c. The reasons on which those applications are made,

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are various; but the supposed terms on which they are received, are always to purchase estates of equal value, to be enjoyed, and descend to the person in remainder. Those applications are always referred to the judges, who examine witnesses to the truth of the allegations set forth in the petitions, and report accordingly; but when the persons examined to the facts are only witnesses *ex parte*, it may be fairly presumed, that the controul in the first instance lodged in the judges, however ably or faithfully exercised, falls very short of what may be rationally expected from it on a transient view.

The evils arising from this mode of qualifying the rigours of the common law, was early and severely felt, so early indeed as in the reign of Charles the First, and after the Restoration, to give birth to several orders by the House of Lords, where those bills usually originate, to prevent the frauds and injustice frequently done to the remainder man.

One positive order was at length established, that the value of the estate sold should be invested in the purchase of estates, of equal value, and limited to the same uses.

So matters rested till the year 1705, in the chancellorship of the celebrated Lord Somers; when, on strong representations of the innumerable inconveniencies arising from the order, where other lands could not be procured immediately, his lordship proposed to amend the order, by allowing the tenant for life to lodge the money in the Bank, till a suitable purchase could be had, to invest the purchase-money in land. From that time down, the standing order was dispensed with; and when no other obstacle stood in the way, applications of this nature from tenants for life were usually complied with as matters of course.

When the report on Jackson's estate bill was moved,

The Earl of *Marchmont* enumerated a variety of instances, in which that House was liable to be misled, and the injustice, in consequence of such imposition, they might be induced to commit: his lordship was therefore against receiving the present report, not as specifically pointed against this bill, but as the first step to a refusal of every application of a similar nature, till the standing order was revised, put upon a proper and equitable footing, and after such revisal or correction, rigorously and punctually enforced.

Earl of *Sandwich* was for agreeing with the present report; and if the general mischiefs stated by the noble earl, upon inquiry, were found to be true, he was very willing, he said,

to assist in framing any order which might promise to be the means of putting a stop to them; but as to the present case before their lordships, when the petitioners had taken all the necessary steps known or imagined at the time they applied, he thought that a desire of doing general justice, if carried to the length the noble earl seemed desirous of, would in fact be partial injustice.

Lord *Sondes* declared himself of the same opinion. He said, that no harm could possibly be done to the remainder man; that the money, when deposited by the hands of the accomptant-general in the Bank, bore interest; that the remainder man had no claim, but for a fair equitable value; and that, if fraudulent means were practised to defeat the objects of such bills, it was impossible to prevent them by any order whatever; which came substantially to this, that the order should continue to be dispensed with in the usual manner, or no more applications of this kind be received or complied with. He added, besides, that he by no means thought it a fair or conclusive mode of arguing, to object on general grounds of mischief and abuse, without supporting those general objections, in particular cases, to shew they were well founded.

The *Lord Chancellor* came down from the woolsack, and observed, that the question, without going into detail, might be well taken in two points of view; first, as to what had been argued by the noble earl who originally started the subject; and secondly, as to the standing order. The noble earl who supposed that interest accrued from the money lodged in the hands of the accomptant-general, to be by him deposited in the Bank, was, he begged leave to acquaint the House, misinformed, for it was merely a deposit, from which no benefit was derived; so that let the sale of an estate be conducted ever so equitably, the money lay in the Bank totally useless, till a purchase of other lands was made in lieu of those sold. In his opinion, therefore, the standing order under which the House now acted, though ever so religiously complied with, did not come up to his idea, because it locked up the money from the original seller, till he could make a purchase. On this ground, he thought the order ought to be extended; and as a means of compelling the seller to invest the money in lands, that the accomptant-general should be empowered to vest the money in three *per cents.* and that the interest should accrue till such purchase could be had, for the benefit of the remainder man. It would, in the first place, operate

operate as a spur to the tenant for life to purchase as soon as possible, and be in some degree an equivalent for the possible loss which might arise on the fall of stocks. Here his lordship descanted on the comparative value of property invested in the funds and in lands. He observed, that land was in a progressive state of increase of value; while the funds, in an *inverse ratio*, were on the decrease, which he took for granted, from some recent fluctuation in the stocks. For these reasons, he was for putting a negative on the report now offered to be made, and for taking the standing order into consideration on a future day.

Agreed to. Adjourned to the 7th.

March 7.

Private business. Adjourned to the 10th.

March 10.

The same.

March 11.

The same.

March 12.

The same. Adjourned to the 14th.

March 14.

The same. Adjourned to the 18th.

March 18.

Lord Dudley presented a petition from the persons concerned in the estate, praying, that they might have time to shew to the House that they had no intention to mislead or impose upon the House, and to shew that the facts stated were well founded, &c. Ordered to lie upon the table.

The order of the day, to revise the standing order, was read; the House went into a committee; Lord Scarsdale in the chair.

The Earl of *Marchmont* said, that the matter about to be taken into consideration was of singular importance; it was nearly connected with the landed property of the whole kingdom. He had long observed the shameful abuses which had been permitted, and had gradually crept into this mode of defeating the remainder man, or the person to whom the estate was to descend. He then gave a history of the order; he said, it was a variation of the order made in the year 1705, in the chancellorship of Lord Somers. That great lawyer and able statesman was daily witness to the injustice committed by the tenants for life, and those tied down by strict settlement. He observed, that they came to Parliament, under various pretences, for leave to sell their

settled estates, and shamefully evaded, in numerous instances, ever performing the conditions on which they obtained such permissions. Such being the case in the year above mentioned, he submitted his ideas to the House on the subject; the consequence of which was, that the House made the standing order, No. 100, which expressly provided, that no bill for the sale of a settled estate should be reported from the committee, till estates of an equal value in land was purchased, in lieu of those sold to be settled by the same uses, unless sufficient reasons were shewn at the same time, that such a purchase could not be then had. This condition opened a door for evasion; the power being lodged in the committee, applications were constantly made, and pretences set up, to evade it; family distress, and a thousand apologies, flowing from the same source, were pleaded, to the manifest injury of the remainder man. This evil grew to an enormous height, till about the year 1762, when the present standing order was proposed by one of the first law authorities this country ever beheld, who amended the standing order of the year 1705, by compelling the person who applied for liberty to sell, to lodge the money in the Bank till another landed estate of equal value could be found and purchased. So matters rested till about the year 1767 or 1769, when an application was made by a member of the other House; his case being singularly severe, the order was dispensed with in his favour; and from thence to the present time, the interest of the remainder man has been totally neglected; all that was sought, was just a decent pretence to dispense with it; and thus Parliament, under the idea of law and justice, have been employed in acts of the utmost injustice. Several objections had been made to the order of the year 1705, relative to the impossibility of procuring a landed estate at the time, and the great hardships that must happen, if no person should be admitted to sell till he had previously agreed for a purchase; and a learned and noble lord near him [Lord Chancellor] had proposed to lodge the money in the hands of the accomptant-general of the court of chancery, to be by him placed out in the three *per cents.* in like manner as that of the suitors of the said court, to accumulate for the benefit of the person entitled to the reversion, or contingent remainder. This was plausible, and certainly every way more eligible than letting it lie useless to the parties; but still, all property in the funds being liable to fluctuation and loss, he did not approve of any security short of landed property.

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If it was the opinion, however, of the noble and learned lord, and the House, that that mode was better than lodging the money in the Bank, where no interest would accrue, he had no objection; and should move an amendment to leave out certain words in the order, and insert instead thereof, "to be placed out in like manner by the hands of the accomptant-general, pursuant to an act of the 12th of George I. chap. 32."

The *Lord Chancellor* said, whatever opinion he might have first entertained on the subject, he doubted whether the amendment now proposed would answer any one substantial good purpose. The grounds of application for leave to sell, always supposed an immediate intention to purchase an estate of equal value, as soon as such a purchase could be procured. If, then, the present amendment was to take place, it would be productive of great trouble, and probably no small share of confusion. The tenant for life might meet with a purchase in six months after he parted with the settled estate, or in a shorter period; here there would be the expence attending the purchasing in and selling out the three *per cents.* and the risk of loss, &c. Besides, while the money was lying useless in the Bank, it would operate as a spur on the tenant for life, and urge him to lay out the money in an estate in land, by which he must profit, and take it out of the funds, where he could not, and be a general motive for him to procure a landed purchase, before he applied to Parliament for permission to sell.

Lord *Sondes* said, that the standing order was always dispensed with, as long as he remembered any thing of Parliament; that there were twenty-two bills of a similar nature now before the House; that the parties had been put to a considerable expence; though, in future, the standing order should be rigorously adhered to, it would be a very great hardship for those who came to Parliament on the faith of its general dispensation of the order, not only to be disappointed, but be obliged to sit down at a very heavy loss. He spoke in particular of an annuitant who had released the tenant for life, under an opinion that one of the bills would pass in course, and now was left without any possible relief whatever.

Earl of *Marchmont* observed in reply, that nothing was more frequently practised, than setting up such pretences, to prevail on the committees to dispense with the order; that the tenant for life engaged in transactions, by which innocent

people might be affected, and then the situation in which innocent persons stood, was made a plea for acts of the most notorious injustice. His lordship added, that King Charles the Second had taken notice of the mischief now complained of, in one of his speeches to Parliament; and read the passage, as quoted by Lord Clarendon, in which that Monarch says, It is well if posterity will not have reason to lament that Parliament have broke into family settlements, and rendered the landed property of the kingdom precarious; or words to that effect.

Earl of *Mansfield* concluded the debate. He said, it would be impossible for any thing the House could do, to bind it in future. To-morrow, or the next, or the third day, it would be competent to their lordships to dispense with this, or any other of their own standing orders; a standing order imported no more than a rule, which is no longer binding than it shall be found convenient and necessary; but he trusted, that every noble lord present, as their lordships seemed to be almost unanimous, would agree and consent to abide in future by whatever should be now determined. His lordship then pointed out the extent and enormity of the mischief, and the necessity there existed of cutting it up by the very roots. He said, that one gentleman came to have his estate rendered more round and compact; another to have it all in the same county; a third to increase his rental, or extend his demesne. Family incumbrances, and personal misfortunes, were pleaded; even the folly and extravagance of both. The distresses of the remainder man, or tenant for life, were urged as motives, whatever the motives might be; according as circumstances created plausible grounds for applications; for among so many, there must be now and then some cogent ones. His lordship was totally against relaxing the order, or dispensing with it in future, upon any pretence or real consideration. It was a sound maxim in law and politics, that partial evil must be suffered, in order to obtain universal good. Law and justice were not to be departed from, for the advantage or private convenience of a few, and to the mischief, and perhaps undoing of thousands yet unborn. The law was a common protection, both to the tenant for life, and the remainder man; to secure to one the benefit of his life-rent, to the other that of his reversion. It was intended to protect the child who had never seen the light, as well as the living father, and could properly consider neither of *them*, but as they were entitled to certain rights. It had

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frequently been the custom, and in none more than the present instance, to come to Parliament to effect that injustice, which a due execution of the law would not admit. He always disapproved of the interference of the legislature, unless it was evident that no possible evil could flow from such interference: experience had already shewn that was not the case in the present instance. He therefore begged leave to remind their lordships, that if they intended to support their standing order now, they would be virtually bound not to dispense with it in any possible given case whatever that might hereafter come before them.

The motion was then put on Lord Marchmont's amendment, which was rejected. The same was reported, and finally agreed to; and the standing order, No. 126, ordered to be rigorously adhered to.

March 19.

Private business.

March 20.

The same.

March 21.

The same. Adjourned to the 24th.

March 24.

The House in committee on the bill (from the Commons) to restrain the sale of life annuities.

The Earl of *Abingdon* said,

My lords, I do not rise to discuss the legal points of this bill; that I must leave to the learned law-lords, whose business it more immediately is, and who, I am persuaded, will not be deficient therein; but I rise, my lords, to say one word as to the unconstitutional tendency of it. Whatever looks towards any innovation in the constitution of this country, will always rouse my opposition thereto. On this ground, this bill strikes me very forcibly. In the first place, it is not calculated for the genius of a free nation, who claim and exercise the liberty of using their own property as they please. This bill is a restraint upon that liberty; besides, our laws lay no restrictions upon economical prudence; and in a commercial state, such as this is, it is not fitting that they should. In an arbitrary country, such a bill might pass; but, my lords, this bill is carried beyond what matters of this nature are carried even in arbitrary countries. In France, if a man wastes his estate to the injury of his family, before he arrives to the age of thirty, his person, by *lettre de cachet*, may be put into prison; there termed *la maison de force*,

and his estate put into the hands of *curators*; but the moment he arrives at this supposed age of discretion, he may dissipate his fortune with impunity. But, my lords, this bill says that no man, at no age or time whatever, shall buy or sell an annuity, unless the consideration and the grant shall be according to the ideas of a court of justice. These are fetters that should be loosened. So far, my lords, as this bill respects minors, I most cordially approve it; for I think too much cannot be done, to prevent the next generation from falling into those snares of corruption which seem to threaten the present with such imminent danger. In the next place, the learned framers of this bill, by giving to the court of King's-bench a concurrent jurisdiction with the court of chancery, have forgotten that the court of King's-bench is a court of common law, and not a court of equity. My lords, against such an innovation as this is, we cannot be too watchfully on our guard. The moment that the court of King's-bench ceases to be bound by the common law of the land, and to be directed by that, and that only, in that moment the constitution of this country is lost. I therefore trust, my lords, that so pernicious and dangerous a precedent cannot meet with the sanction of this House. There is one objection more, which I will mention to your lordships; and it is this, that this bill is to operate as an *ex post facto* law. My lords, I need not urge arguments against laws of this nature. There is scarcely any one circumstance, at any time, that can give the least colour to them. In the present case, no possible good can arise, and the mischiefs are beyond detail. It will occasion what every court of justice has invariably set its face against, a multiplicity of suits; and this, in my opinion, is sufficient ground of objection. For these reasons, my lords, to this bill, in its present state, I shall give my hearty negative.

The Earl of *Mansfield* rose, and took a full view of the whole bill. His experience, he said, had long since taught him, that some bill was wanting, to put a stop to the usurious contracts, and fraudulent transactions, which had been practised for many years, and which now were carried to a height of enormity that called for a timely and effectual interference of the legislature. He said he had turned his thoughts to the subject of the present bill, long before it came before him in his legislative capacity. He had had the best advice on the subject, and consulted *some of* the first law authorities, and particularly the honourable

able gentleman who brought it into the other House; yet, though the necessity of such a bill became more and more apparent, and the excesses and injuries from the present mode of granting annuities became every day more extensive, and called more loudly for redress, he recommended to their lordships to proceed with caution, and not, through a warm or blind zeal for reformation, create greater mischiefs than those proposed to be remedied or prevented by the present bill: by going for too much, their lordships might perhaps lose all. We shall never totally eradicate the evil, though we may soften, blunt, and qualify its noxious effects. So long as there are fools to be imposed on, or knaves to profit by their folly, we cannot promise a total amendment, such as the present bill so commendably aims at. Let any man but attentively peruse in his closet, the several statutes already passed against usury and gaming, and the penalties annexed to the breach of them; and if every day's experience did not testify the contrary, he would conclude, as a matter of certainty, that no man would venture to game, or advance money at an unlawful rate of interest; indeed, such an idea would go to prove the non-existence of almost every crime to which the laws have annexed any species of punishment. Who could be persuaded that any man, highwayman, or other, would venture to rob or steal twenty or thirty shillings, or perhaps infinitely a smaller sum, when death, on conviction, is to be almost the certain consequence, if the numerous executions in this metropolis did not put it beyond doubt, that the punishment, however severe, was not sufficient to deter?——But if the bill cannot answer all the purposes which may be wished, it will certainly put a stop to some of the evils complained of; nay, it has already done so in part; I am informed, and from authority which cannot be doubted, that its effects are already felt: so far the author has been fortunate, and so far, suppose the bill should be actually lost or defeated, the public stand highly indebted to him, both in point of effect and intention. I am informed, that several redemptions have actually been offered, which is indeed, according to my apprehension, the grand object of the bill. You may pretend to limit, restrain, and control such objects as much as you please, but you will never be able to annihilate them. The object your lordships ought to aim to attain, since people will make foolish bargains, and will render themselves a prey to usurers, stock-jobbers, &c. is to take care that no fraud be committed; or, if there should,

should, to create a power in the courts, in a summary way, to relieve the party defrauded. I am sensible that no proposition, however well intended, or ably drawn up, can be free from objections; it is, however, our business to render the bill as complete as possible. The first clause I would move to mend, is that for enrolling the deed, &c. in the high court of chancery. This provision, however proper and necessary, may happen often to be omitted, from negligence, inattention, or the ignorance of the parties. By the present bill, the whole transaction is declared null and void, if the deed, &c. be not registered or enrolled within a limited time. Now, for my part, I think this clause might lead to greater frauds, and acts of more notorious injustice, than those it is intended to prevent; besides, the spirit of our laws, and the general construction of them, speak a different language. Acts are yearly passed, to give time for persons to qualify themselves for offices; to Roman Catholics, under particular circumstances, to make returns; and in various other cases where the time limited for such qualification, return, &c. is some months, perhaps, elapsed. Advantages may be taken of ignorant or uninformed persons; and, in my opinion, it would be very severe to permit the grantor to avail himself of any want of legal knowledge in the grantee, or profit from his experience or neglect. There are many possible cases in which a grantee might be led into such an error, on purpose to profit by his ignorance or inattention; nay, indeed, in one of the strongest statutes, and one nearly connected with the whole mass of landed property in this kingdom, the statute of frauds, it is there specially provided, that to convey lands by will, there shall be three subscribing witnesses; yet, in many instances, if the ignorance of the testator, or the impossibility of procuring witnesses, or the testator's full intention, be clearly made manifest by other circumstances, this formality is dispensed with, and the will allowed to be valid. For these reasons, therefore, I propose to move, that the words *null and void*, in case of non-enrolment, be left out, and that instead thereof, be inserted, *the sums so advanced to be demandable, with interest.*

My lords, the next clause I shall move an amendment in, is that clause which provides against fraudulent payments in goods, notes, &c. This clause, as it now stands, is exceptionable, and unnecessarily provided for what, when the amendment takes place, must fall to the ground. The clause says, "if any part of the consideration shall be returned

turned to the person advancing the same, or in case the consideration, or any part of it, is advanced in notes; or if any of the notes are not paid when due, or shall, with the privity of the person advancing the same, be cancelled or destroyed, without being first paid, &c. it then proceeds to create a jurisdiction in the courts of common law, to examine, inquire into, &c.; and, in case of refusal, empowers the court to order the deed, bond, assurance, &c. to be cancelled, and the judgment, if any has been entered, to be vacated."—Now, in the first instance, this would give birth to endless litigations. It is true, the clause is well conceived, and well intended; it is directed against those fraudulent contracts made with persons under age, or possessed of reversionary rights, or in imminent distress, where the parties pay full seventy *per cent.* Many circumstances of this kind have come to my own knowledge, that were particularly intended to evade the statutes against usury. When a man takes notes in payment, and returns them, or takes goods, which are immediately sold at a discount of fifty *per cent.* which, with the expences attending the sale, such as brokerage, warehouse-rent, and other contingent expences, amount to a defalcation of full seventy *per cent.* out of the ideal sum borrowed. I have heard of a service of plate, and a very curious one it is; it is always regularly taken by the grantor for 1200l. and as regularly received back by the grantee for 700l. which, with the expence of brokerage, of negotiation, and auctioneer's brokerage, fixes the hard money at pretty nearly what I say; sometimes, indeed, the profits of the grantee extend further. I remember a case of this nature, which lately came before me:—a person who had a reversion to dispose of, sold it for 2000l. for which he received in Manchester goods, to the amount of 1400l: he gave a bond for the money advanced, and took a note from the Manchester warehouseman for the goods thus purchased. He passed the note, and received cash for it; and when the note came to be demanded from the Manchester man, he produced the grantor's bond, by way of set-off, and said that was his security for the goods, for which he passed the note in question. The consequence of which was, that the gentleman was defrauded out of his reversion, or annuity, and is now obliged to reside abroad, to avoid being arrested. If, therefore, you have a mind to cut up any possibility of future litigation, on this head, by the roots, your lordships will leave out all the preventive provisions of this clause; and af-

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ter the words, "if any part of the consideration *shall be*," leave out the words till you come to *advanced*, and after *advanced*, insert in *money only*. There have been objections made to the latter part of this clause, as investing the courts of common law with an equitable jurisdiction, and on that ground, authorizing the court to decide in a summary manner. I believe, however, on examination, this objection will appear to be ill-founded, because the court of King's-bench exercises that power in many instances, particularly in the case of popish patrons, who have a right to present, and who employ trustees to convey their right of patronage for improper purposes. The court of King's-bench, in that case, has a right to bring the parties into court, and, is competent to exercise every equitable power necessary to a full discovery between the parties, the patron, the trustee, and the incumbent; but that is not, nor can be the case here. Either the parties will not discover, upon a principle of honour, or, if they should discover, the latter part of the clause is useless; for if money be not paid, the party is at liberty to redeem; or the next clause, which provides against fraud, will answer the same end; so that, take the event either way, the clause will be useless. You cannot compel the grantor to discover, though you may encourage him; it will still remain on the footing of a debt of honour, or a gaming debt; and if you should load the bill too much, you will only load the grantor with an additional expence; for the value of money, and the low price of the annuity, will rise and fall, in proportion to the risk incurred by the lender or grantee. Nothing can be a stronger proof of this, than the exorbitant premiums demanded on every species of usurious contracts, where the very risk always enhances the terms on the seller or borrower. It will consequently be totally unnecessary to leave the remainder of the clause standing; I shall therefore move, that the words from *advanced*, to the end of the clause, be left out.

The last amendment I mean to submit to your lordships is, that which authorizes the court, in any suit, action, &c. that should be brought, to examine and inquire into the just and true value of any such rent-charge or annuity (now subsisting, or which shall hereafter be granted) at the time of granting the same; and also, what consideration was at such time really and *bonâ fide* paid, or given to the grantor or grantors, by the grantee or grantees, for the same, &c. and whether such annuity or rent-charge was inadequate to its value, then

then such deeds, &c. to cease and become void, upon re-payment of what shall appear really due to such grantee or grantees. This clause, my lords, however well intended, would, I will venture to say, never answer the purposes for which it was framed, in its present state. What, for instance, can be more uncertain and fluctuating, than every single object to which such an inquiry would of course be directed? A man's state of health, his manner of living, the company he keeps, the hours at which he goes to bed, his age, the very price of stocks, their general state of fluctuation, the number of buyers or sellers at market; in short, a variety of circumstances, much too numerous to repeat, but all of real consideration to such an inquiry. I am aware that this objection may lose the bill in the other House; that does not weigh with me, nor can it operate on your lordships. It is your business to render the bill as useful and complete as possible. If it should be lost there, you will have nothing to blame yourselves for: though the bill went no further, it has already done great and essential service. It is therefore my intention to move the clause, so as to confine the jurisdiction of the court to an inquiry into frauds, and a power conformable thereto, to give a summary relief to the parties aggrieved. In consequence of this intention, I shall move, that the whole of the next clause, from the word *action*, be omitted; and that there be inserted, "to inquire into the same in a summary way, and determine whether any fraud was committed in the negotiation of such rent-charge, annuity, or sale; in which case, the court shall judge, and give relief to the party, and the grantor or grantors shall be at liberty to redeem."

His lordship moved, that the words "null and void to all intents and purposes," in the last line of the first enacting clause, be left out; and that instead thereof, there be inserted, "deemed to be taken, to be a security for the money really advanced, with interest."

His lordship moved, that the words in the fourth enacting clause, "and in case the same, or any part thereof, shall consist in goods, or any other thing than money, the nature, quantity, and value of such thing or things," be left out; and that there be inserted instead thereof, "which shall be in money only." And towards the conclusion of the said clause, another amendment, precisely the same as the first, namely, "deemed, or taken to be, a security for the money really advanced, with interest."

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In the fifth enacting clause, after the word *paid*, in the sixth line, his lordship moved, that lines seventh and eighth be wholly omitted; and in the same clause, page fourth of the printed bill, eighth line, that from the word *action* to the word *aforesaid*, inclusive, fifth line from the bottom, be wholly omitted; and that after the word *vacated*, last line, there be inserted, "upon payment of such money as was really paid and advanced, with interest."

In the seventh clause, his lordship moved, that the words, "into the just and true value," eleventh line, be left out, and there be inserted instead thereof, "in a summary way;" and in the same clause, that the words, "at the time of granting the same; and also, what consideration was at such time, really and *bonâ fide* paid or given by the grantee or grantees to the grantor or grantors for the same," be left out; and that there be inserted instead thereof, "was obtained by fraud, or other undue means; or whether the grantor is entitled to redeem the same." In the same clause, his lordship further moved, that the words, "it shall appear from the verdict of such jury, or the report of such officer, or upon the examination of the matter by affidavit; and it shall be declared, decreed, or adjudged by the court, that the purchase of such annuity, or rent-charge, was so unfair, that the same ought to be set aside," be left out; and that there be inserted instead thereof, "the court shall adjudge the same was fraudulently obtained, or that the grantee is entitled to redeem."

It was the foregoing amendments in the seventh clause, that Lord *Camden* solely opposed, and on which he moved the provisional clause of appeal. His lordship objected to the summary jurisdiction created by this clause; but said, the enormous mischiefs which the sale of annuities were daily productive of, made it necessary to contrive some means of preventing their increase; that although he did not like the amendment entirely, he would propose a clause that, he hoped, would in some measure render it less exceptionable. His lordship accordingly moved a clause of appeal to that House, in fourteen days after any decision created by this bill, when Parliament was sitting; and in case Parliament was not sitting, in fourteen days after its next meeting.

Earl of *Mansfield* defended the clause, in point of prudence, where in a hundred cases, summary jurisdictions were created, as only applicable to create the ends of justice. If the right of appeal was given, he doubted whether it would not open a door

a door for innumerable expensive litigations which would never have been so much as thought of, but for the right of appeal.

The *Lord Chancellor* was of the same opinion; and said, it would be a delay, if not a hindrance of justice, if the appeal were admitted.

Lord *Lyttelton* argued the point, on the ground of expediency and national justice; and connected his arguments with the honour and jurisdiction of the peerage, which should have a dernier judicial control in all possible cases whatever. The clause of appeal was rejected by a majority of 49 to 13.

Lord *Camden*, at the end of the seventh clause, moved a provisional clause, in the following words, which was agreed to: "And be it further enacted, by the authority aforesaid, that the court may in every such case as aforesaid, award to either party such costs as to them shall seem just."

On the concluding clause, Lord *Radnor* observed, that voluntary grants arising for favour or affection, as well as all other voluntary grants, where no consideration was received for the same, being not excepted, might be construed to come within the meaning of the act, so as to compel the parties to enrol the same. His lordship therefore moved, that after the words *said annuity*, seventh line from the bottom, there be inserted, "Not to any voluntary annuity granted without regard to pecuniary consideration," which was agreed to.

Earl of *Abingdon* condemned that part of the same clause, which has a retrospective reference to annuities sold, and securities given, previous to the passing of the act. He observed, that *ex post facto* laws were contrary to the fundamental principles of natural justice; that no man ought to be punished or suffer for an act that was deemed legally innocent at the time it was committed; that it was worse than tyranny, and was contrary to every rule of human jurisprudence. He wished for these reasons, therefore, that that part of the bill which compelled grantees in possession of annuities, which by assignment came to their hands for a fair and full value, might be amended or omitted, so as to protect the interests of *bonâ fide* purchasers, who were totally ignorant of the frauds, if any, which were committed by the original grantee or grantees.

Earl of *Mansfield* observed, that if such an amendment was to take place, it would be introductive of endless confusion and litigation. It would be impossible to distinguish the *bonâ fide* purchaser for full value, from the fraudulent grantee. These contracts were always transacted in the dark, and under

cover.

cover. The nominal grantee was generally, he believed always, a trustee for the real grantee; and it was somewhat singular, that among all the persons, and the immense deal of property which were to be affected by this bill, no petition had been presented to either House; the clearest proof that the purchasers of these annuities did not think proper to avow themselves: in short, there was not one of them would venture to step forth, and sustain the brunt of the battle. His lordship besides begged leave to remind the noble lord, that bonds given to secure the annuities, like every other species of bond security, were not, like notes of hand, negotiable; the property, it is true, might be assigned and transferred into an hundred hands, but still the contract was deemed, in law, to exist only between the original contracting parties. The relief, therefore, sought in the present instance, was unprecedented, the holder of the bond having no claim whatever but on the assignee.

The *Lord Chancellor* seemed to think otherwise, and of course observed, that any clause for the security of *bonâ fide* purchasers for full value, was totally unnecessary. His lordship positively affirmed, that the *bonâ fide* purchaser coming into a court of equity, would not only be relieved against the assignee of the bond, but if the court were satisfied that the transaction was fair and incollusive, the holder would be relieved against the obligor, though the bond had been fraudulently obtained.

The amendments were ordered to be reported the next day.

March 25.

As soon as the first amendment was reported, the Earl of *Abingdon* rose, and spoke nearly in the following words: My lords, I was yesterday against the jurisdiction meant to be given to the court of King's-bench, and shall ever remain so; it is an unconstitutional power, and in these times it is a dangerous power; it will operate as a precedent for worse purposes: I will therefore divide the House upon this ground, though I stand single and alone.

When the amendments made to the seventh clause came to be reported, Lord *Camden* said that he never liked the clause in its original state; he considered it at home, and found in it sufficient ground for disapprobation. He did not, however, come down to that House the preceding day, totally uninformed of the amendment meant to be offered by the noble and learned lord now absent from his place; which he no sooner

sooner heard, than he highly disapproved of. He was, he said, an enemy to every species of summary jurisdiction, except in very few cases indeed; but when unaccompanied by the right of appeal, they became abominations, and monsters in civil, at least in English, jurisprudence. He spoke to the learned lord that morning on the subject; and though his lordship did not seem to think that such a right of appeal was necessary, he determined not to oppose his lordship's amendment, but to offer the clause of appeal to the House, and support it with such reasons as struck him; hoping that his acquiescence in the amendment proposed by the noble and learned lord, would procure him a favourable hearing, and his clause of appeal a suitable reception. He was convinced that if the House was pre-determined, which in the course of the committee he had some reason to find they were, how nugatory and ineffectual it must be to endeavour to bring it over to his opinion. He knew he might as well speak to stocks and stones (or a stone wall); but nevertheless, he thought it his duty to propose the clause of appeal: that being rejected, without a single plausible reason assigned, he now meant to adhere to his first opinion, the implied condition, on which he waved it, not being complied with; he should therefore vote totally and directly against the whole clause, as it stood amended.

Earl of *Denbigh* endeavoured to answer the last noble lord, by insisting, that an appeal did lay to the House of Peers; that if any person thought himself aggrieved by the exercise of the summary jurisdiction created by the bill, it would be competent for him to appeal to that House. His petition would be certainly received; and it was the wish and intention of the House, to receive appeals in all cases, but not to invite them, to the vexation, if not the ruin, of the parties. His lordship further observed, that the very end of the clause would be defeated, if any such encouragement were given in the bill.

Lord *Camden* contended, that the House of Peers could not entertain an appeal from the jurisdiction created by the bill; that summary jurisdictions ought never to be established, unless in cases of downright necessity; for they were no less repugnant to the ideas of general justice, than to the spirit of the constitution. Judges were fallible, as well as other men. Allowing every thing that could be said on the ground of integrity, they were liable to err; indeed the very mode of decision led directly to error; and no man ought to wish

for a power, which, from the very nature of its exercise, was liable to be abused.

Earl of *Suffolk* observed, that the noble and learned lord's conduct was a little extraordinary. He owned, that he acquiesced in the clause as it stood amended; that he framed a clause of appeal, which rendered it unexceptionable; that he submitted it to the House, resolving to abide the sense of it, and rest contented in that sense; yet his lordship came *opiniâtré* to give his negative to the whole clause, and thereby defeat the bill, because his ideas did not meet those of the majority. He hoped, however, that the bill would not be lost on that account, or that it would get out into the world, that their lordships meant to abandon a bill which had already cost so much time and trouble, and which had hitherto been so commendably conducted by those who acted as its friends and patrons. If so, the consequence would be, that Jews, usurers, money-lenders, &c. would conclude, that the legislature had endeavoured to frame a law for correcting the evil complained of, but were able to effect nothing; but on the contrary, leave them at liberty to plunder the public at their pleasure, beyond the power of prevention to correct or limit.

Lord *Camden* then explained fully what before he slightly mentioned. He said, he had a fair parliamentary right to negative the whole clause; that he did not do it *opiniâtré*, as controverting or opposing the sense of the whole House. He assented to the clause conditionally; and he was in the judgment of their lordships, whether he was fairly bound by such a conditional assent, in any future stage of the bill, when the condition on which it was given was not complied with. He again maintained, that the summary jurisdiction created by the bill was dangerous and improper, and became more so, when it was considered that the arguments in support of it allowed the propriety of appeal; but those who made use of them at the same time refused to give it, under the pretence that such a right of appeal already existed.

Earl of *Marchmont* said, there was no person had a higher opinion of the great abilities, and professional knowledge of the noble and learned lord, than he had; and it was therefore with great diffidence that he differed on the construction or interpretation of the clause from his lordship; yet he always understood, that there were numerous instances in which summary jurisdictions were given, from which, nevertheless, there lay a right of appeal, particularly in the

case

case of the Scotch elections, where the determinations were final; yet it was within the memory of every lord present, that appeals were brought into that House, and decisions made thereon. It had frequently happened, and he trusted would often happen again.

Lord *Camden* replied, that he was not sufficiently conversant in the connexion between the local jurisdiction, established in that particular part of the island now mentioned; nor on what grounds the appeals were made from it to that House; but he could affirm, and would maintain, that no appeal lay in the present instance. He knew, in some particular instances, a summary jurisdiction was given and exercised without appeal; such was the power lodged in the court, in which, for some time, he had the honour to preside, respecting bankrupts: but there the nature of the business pointed out the necessity of such a jurisdiction; for if, where there were upon an average upwards of two or three hundred bankrupts in a year, and some of them had fifty or more creditors, if every creditor who imagined himself aggrieved was to have a right of appeal, the House, though it had nothing else to do, would not have time to decide upon each appellant's claim; and if it had sufficient leisure, instead of five or six shillings in the pound, the usual average amount of the dividend, the creditors would not have sixpence in the pound to receive.

Earl of *Marchmont* referred to another case, of an appeal from a summary jurisdiction, which the House determined in the year 1719, after a solemn consultation with the judges, from a commission appointed to inquire into and finally decide on the claims of persons in Scotland, on the estates forfeited in 1715. He said, he had not so high an opinion of the trappings of the law, as to sacrifice his opinion to it, nor give way to any authority, however respectable, when repugnant to the dictates of that small portion of common sense God had been pleased to bestow on him: the precedent was in point. He formed his opinion on the best lights he could obtain, and was always bound by it, till he had good reason to alter his former opinion. He had heard nothing hitherto, sufficient to induce him to do so; nor could he see how any man could venture or hazard an assertion, that it was not competent to that House to entertain appeals from every inferior jurisdiction in the kingdom.

Lord *Camden*, after inveighing against the depravity of the present age, which, he said, was fallen into the very abyss

of vice; and shewing the inefficacy of all restraining laws, while the morals of every rank of people continued so profligate and corrupt, re-asserted what he maintained from the beginning. He contended, that no appeal whatever, or in any shape, could be entertained by that House from the jurisdiction created by the clause in question. The jurisdiction given was to a court of law, therefore the proceedings must be by a writ of error. Error could not be assigned, but where a judgment at law had been given: a summary jurisdiction not admitting of a judgment, no writ could of course be brought. The other mode of appeal was from a judgment or decree in equity; the common-law courts not being courts of equity, it followed, that in neither light could the matter be brought before the House of Lords. He added, that the summary jurisdiction, being common to all the common-law courts, and there being no appeal in respect of each other, the respective jurisdictions would, in all probability, be eternally clashing and contradicting each other, without a possibility of redress.

Lord Suffolk replied shortly; and the question being put, the report was agreed to without a division.

March 27.

Annuity bill read a third time, and sent to the Commons, (where it was withdrawn, and two other bills brought in instead).

March 28.

Bills passed by commission.—Adjourned to April 8.

April 8.

Private business.

April 9.

Earl of Suffolk brought a message from the King, respecting the arrears of the civil list. (See the same message to the Commons this day, in Commons debates).

April 10.

Private business.

April 11.

The same.—Adjourned to the 16th.

April 16.

Order of the day for taking into consideration his Majesty's message, which was presented to the House on the 9th.

The Earl of *Derby*, after expatiating on the many and singular virtues of his Majesty, his economy, frugality, sobriety, wisdom; his love of constitutional liberty, and of his country; his affection for his people; the high obligations they owed

owed to so just, wise, merciful, and magnanimous a prince; stated the grounds of his motion, which he ventured to predict, would be received with that degree of duty, reverence, gratitude and respect, to which the august personage, who was to be the subject of it, was so confessedly and eminently entitled. His Majesty was, he said, no less conspicuous for his political than his private virtues. He was deserving of every grateful distinction, which his personal situation demanded, and which it was in the power of that House to bestow. The subject matter to be taken into consideration, should it be debated, would necessarily come to be considered in two different points of view; namely, the discharge of the present debts, incurred by the excess of expenditure of the civil list, and the making a suitable provision for the time to come, in order to render such applications as the present, in future totally unnecessary. Whatever objections might be made to the latter, he presumed there was not a single lord present, whose generous feelings for his Sovereign would not point out the necessity of paying the debt already incurred; and make him anxious to free his Majesty from those embarrassments he must suffer, in not having it in his power to pay off the demands of his household. He observed, that their lordships could never think of refusing so reasonable a request; they must feel too sensibly, not to perceive the necessity of freeing their Sovereign from those embarrassments, though they had proceeded from a proper want of economy; much less, when it was known that they were caused merely by all the conveniencies, as well as luxuries of life, being enhanced in their value. He appealed to the candour of the House, and the individual knowledge of their lordships, if the expences of living were not immensely increased, within a very few years; and if their incomes were not proportionably raised, by the increased value of their estates. Shall the Sovereign then be the only person, within the circuit of this wide extended empire, who shall be doomed to suffer under the inconvenience of such a rise; and yet be confined to a revenue which was deemed only a proper support of the lustre and dignity of the Crown half a century ago? He was certain, there was not a noble lord present, who wished or desired any such thing. He said, that rules of economy in private life, however plausibly made, were by no means rigidly applicable to the conduct of a prince. He could not, without tarnishing the lustre of his Crown, and disgracing the eminence and splendour of his situation,

descend into an examination of the *minutiæ* of his expences: he could not keep a narrow account of shillings and sixpences; it would be mean and paltry, and much beneath the dignity, and totally foreign to the more important objects which were supposed always to be the proper business of a crowned head, and were known peculiarly to demand and employ the attention of the Sovereign now on the throne. It was a consequence of his elevated situation, to conduct his public and private expences upon a larger and more liberal scale; indeed, custom had in some measure rendered it a duty; consequently their lordships must expect, and the public well knew, that there must be some profusion; it was consequent of his situation, it was unavoidable. He asked, which of their lordships, if they had a son, would wish to limit him to an inadequate income, an income short of his necessary expences? When the consequence would be, repeated applications to discharge the deficiencies created by the scantiness of that income, when the very deficiencies were known to be partly incurred, at least considerably augmented, by the manner of contracting the debt. This his lordship applied equally to both objects; recommending to the consideration of the House, the paying off the debt already incurred, and the augmentation proposed, in order to prevent such applications in future: in both cases, it would be both generous and prudent to act liberally, and would be preventive of all further anxiety and trouble to either party. Besides those general grounds, his lordship stated the justice of the application, in point of equity. He observed, that the late King had 800,000l. *per annum* at his accession, now exactly fifty years ago, settled on him; that he had certain duties appropriated to raise that sum, which by that appropriation became his property; that Parliament engaged, in case the duties did not produce the 800,000l. to make up the deficiency: that the duties were found to be considerably more, but that out of a paternal tenderness to his people, his present Majesty, on his accession, had generously given up those duties to Parliament, and relinquished his right to the surplus, for the stated fixed income of 800,000l. That by the accounts now lying on their lordships' table, it appeared, that the duties had produced, on an average of the sixteen years of his Majesty's reign, an overplus of 120,000l. and a fraction, *per annum*, which taken together for sixteen years, amounted to nearly 2,300,000l. whereas the expenditure within the same period, including the 513,000l. granted in

1769,

1769, and the sum of 618,000l. now desired, amounted but to a little more than 1,100,000l. or an excess of about 70,000l. and consequently left a profit to the public, of nearly 1,200,000l. should the motion he intended to make meet with their lordships' approbation.

His lordship then moved, "That an humble address be presented to his Majesty, to return his Majesty the thanks of this House, for his Majesty's most gracious message, by which his Majesty has been pleased to inform this House of the exceedings of the expences of his Majesty's household and civil government, beyond the revenue settled on his Majesty for defraying the same; and to assure his Majesty of the grateful sense this House entertains of his Majesty's well-founded reliance on the loyal and affectionate attachment of this House to his Majesty's person and government; and that fully convinced of the tender and disinterested attachment which his Majesty has shewn through the whole course of his reign, to the care and welfare of his faithful people, this House will most readily concur in enabling his Majesty to discharge the debts which occasion his Majesty's present difficulties, and in making some further provision for the better support of his Majesty's household, and the honour and dignity of the Crown."

The motion was seconded by Lord *Onslow*. He knew his inability, he said, to add any strength to the arguments now so forcibly urged by the noble mover. There were, however, some circumstances slightly mentioned, or passed over, which he would take leave to remind their lordships of, and which would further evince the propriety of the address, and of complying with his Majesty's request. It was evident, if his Majesty had retained his hereditary revenues, he would have no occasion to apply to Parliament; on the contrary, he would now be in possession of a very considerable surplus. He dwelt a considerable time on the advanced price both of the luxuries and necessaries of life, and observed, that while the payment of the debt already incurred admitted of no argument, making a suitable provision for the numerous royal family now growing up, became equally apparent. His lordship launched into the most lavish encomiums on the personal and political virtues of the Sovereign. His Majesty, he said, had, since his accession, been the uniform asserter of the rights of his people and Parliament; and that that consideration alone, was sufficient to interest Parliament in relieving his Majesty from his present difficulties. Had

his Majesty been fond of power, or of establishing his own greatness on the ruins of the constitution, he had sufficient temptation held out to him, by the conduct of the Americans, who endeavoured, by every means in their power, to detach him from the other two branches of the legislature. What has been his conduct? He has not only rejected those offers, but he has declared his disapprobation of them by the most decisive marks of resentment and contempt. However flattering such offers might appear to an ambitious mind, eager to grasp at arbitrary sway, they failed to make the least impression on a breast full of equity, and those just sentiments of policy, which wisdom, founded in virtue, is always known to inspire. His Majesty has ever shewed a disposition to be more jealous and tenacious of the rights and privileges of Parliament, than of his own; he has proved it in many instances; and I doubt not, but it has made a suitable impression upon your lordships. This is the most valuable obligation a monarch can confer, and deserves every mark of gratitude which we can, consistently with the interest and ability of the nation, pay in return.

His lordship next went into the particular consideration of the latter part of the address, relative to the augmentation. He said, that a similar application was made in 1769, which on the best grounds was agreed to; that on an inspection of the accounts, it then appeared, that the debt was incurred every year, though the greatest exertions had been made, by those who presided over the several branches, to reduce it, so as to keep the expenditure within the grant; but that after sixteen years experience, it was found totally impracticable. If a reform reduced the expences in some instances, they increased in others; so that the total expenditure was pretty nearly equal. It would be urged probably, that it would be proper to discharge the civil list debt, but not to comply with the proposed augmentation. That, he insisted, would be doing things by halves; it would be worse, it would be doing next to nothing; it would put the Sovereign and his ministers to the very disagreeable necessity of future applications to Parliament; it would be, in short, making a nominal provision for the support of the Crown, which experience had shewn to be totally inadequate. To avoid all those inconveniencies, he had no doubt but their lordships would cheerfully agree to the address in all its parts, particularly when they found it to be reasonable. He did not pretend to speak directly from authority; but

but as well as he could learn, he understood, that his Majesty wished to increase his present civil list revenue one hundred thousand pounds. The average of the expenditure since his accession, supported the propriety of the request; it was about 870,000l. this was somewhat short of the sum desired, but the difference was so trifling, that it was not worth attending to, particularly when the expences of a growing and increasing family were taken into the account. Such a revenue, from a comparison with that enjoyed by former kings, and every one of his Majesty's predecessors, since the Revolution, taking the value of money at different periods, would not, he trusted, be deemed unreasonable. The propriety of the request was supported by experience; it was founded in equity, because it gave nothing more than what his Majesty would have been in possession of, had not he relinquished the civil list duties, appropriated at the commencement of the reign of the late King; and finally, it would have the effect of making the Sovereign easy in his domestic concerns; and of precluding any pretence for applications of a similar nature in times to come.

The Marquis of *Rockingham* opened his speech with expressions of the warmest personal attachment to his Sovereign, and the purest zeal and best wishes for the prosperity and dignity of his government, which, in his opinion, he could not more fully manifest, than by pointing out his true interest, and consequently not concurring in the present measure, which in every point of view he had hitherto contemplated it in, he was most certain, was contrary thereto; it was treachery at once, against the King and the people, and a most shameless sacrifice of their respective interests. As he had opposed a measure of a similar nature in 1769, so he should the present, but on much stronger grounds. He never imagined, however, that paying the King's debts in 1769 would have been urged as an argument for paying them 1777, if he had not this day heard it so much relied upon in debate. The contrary was, according to his ideas, the fair deduction; if it was wrong to pay them then, it was more so now to repeat it: but though the necessity of paying the King's debts should supersede every collateral consideration, respecting the manner in which they were contracted, still the augmentation expected of the civil list revenue was a matter entirely new. The one became in some measure inevitable, from the rank of the debtor, and the nature of the debt; but why, because a debt was improperly

properly incurred in the first instance, a provision should be made not only for such an improper mode of expenditure in future, by implying a stated income for that purpose, but even granting a sum considerably larger than the excess, was more than he could possibly pretend to account for. In his opinion, the ministers who had fabricated this message, and who had rendered such a measure necessary, instead of being listened to, or gratified, merited the contempt and indignation of that House; and the more so, when the present critical situation of affairs was considered, a situation which they, and they only, had been instrumental in causing, or had rather been the authors of. He repeated again, that if the effect of the vote moved this day, was meant as a gift, it was a most treacherous one, and a very unsuitable return of gratitude for those very transcendant virtues, which he was as willing to confess his Sovereign possessed, as those who appeared most zealous in extolling them.

His lordship next proceeded to shew that the idea of an hereditary revenue, alluded to by one noble lord, and directly mentioned by the other, was entirely ill-founded; and though it were true, every deduction drawn from it was fallacious. The matter was as follows:—The late King, on his accession, had a grant of 800,000l. a year; and had certain duties appropriated for the payment of it; and in case the duties fell short, the deficiency was to be made good by Parliament; but it was never understood, that Parliament was pledged to the Crown for more than 800,000l. nor that the Crown was entitled to the excess of the duties, had any excess arose. The consequence of this agreement proved the real understanding of the parties; for the King was twenty years upon the throne before he made any application to Parliament; and when he did come, it was to desire that Parliament would perform what they stood engaged for. It was found, that the duties appropriated for the support of the civil list did not amount to 800,000l. the King therefore desired, in the year 1747, the sum of 450,000l. the amount of the deficiency. In the first instance then it was plain, that the King only demanded what he had a right to demand; and the other part of the transaction shewed clearly, that the appropriated duties were never looked upon to belong to the Crown, during that reign, farther than as they stood engaged for the payment of the 800,000l. for by the increase of some of the duties, it being discovered that the whole, including the 450,000l. granted in 1747, upon an average, amounted from

1747

1747 to the King's demise, to 808,000l. the surplus of 8000l. was retained, and the sum of 115,000l. paid over in part of the first aids, in the first year of his present Majesty's reign. He was not a very old member, but he recollected very well, and he presumed so did several other noble lords present, that the above was a faithful representation of the fact, as stated by a noble person some years deceased, [supposed to mean the old Duke of Newcastle] who was immediately concerned in the transaction, from its commencement till the money was paid, as already related. The reasoning, therefore, that his Majesty relinquished any thing to which he had a right, or that the revenues appropriated to the payment of the civil list were hereditary, were equally ill-founded and absurd. His Majesty gave or lost nothing by taking a specific sum; he could in justice desire no more nor less: the only difference it made, was merely a matter of convenience. He was paid in specie, without discount, risque, trouble, or loss; whereas the payment of some of the duties was held back for six, seven, or eight years. Hence his lordship drew this fair deduction, that the pretended claim set up by the King's ministers had no foundation whatever in truth. If then they had no right to come to Parliament on this ground, he trusted he should prove, before he sat down, that they had as little on any other; the very papers on their lordships' table would bear sufficient testimony to this assertion. By them it appeared, that the several branches of the royal family, for the first eight years, cost the Crown about 235,000l. more than they had the eight last years of the late King; consequently, that administration came with a tolerable good countenance to Parliament in 1769, as far as that sum could be supposed to operate; but the eight last years of the present reign the other branches of the royal family had cost the Crown a few thousand pounds less; and that taking the whole of the late reign, it appeared that the royal family had cost the Crown, striking an annual average, upwards of 130,000l. whereas the average cost of the last eight years, under the same head of expenditure, was little more than 100,000l. *per annum*. Discovering this very important fact, it led him to endeavour to find out whence the deficiency arose. In the cofferer's account, in 1769, it appeared that the money issued through that channel for the last eight years of the late reign, and the first eight years of the present, were nearly equal; but by the account now on the table, that head was monstrously increased, indeed no less than 60,000l.

60,000l. it being at the former period about 72,000l. a year, whereas now it is swelled to 136,000l. Under the head of pensions, again, it was raised from 78,000l. to 84,000l. which was an increase of 6000l. though it was known that pensions were daily granting, and had been granted, on the Irish establishment, and the four and a half *per cent.* duties. The head of presents had been considerably increased; and so had that of annuities, board of works, and ambassadors. He supposed, before the House rose, that some explanations would be given to satisfy their lordships of the propriety of the increase of those several heads of expenditure, because it was by their means, almost solely, that the present debt was incurred; for upon adding them together, he found that they amounted in the course of the last eight years to 591,000l. a sum little short of that now demanded; and were every year in a progressive state of increase. He was, for his own part, certain, that a reduction below what they stood in former reigns, instead of augmentation, of some of them, might be made; and if some part of the expence incurred under the head of the cofferer's account should appear necessary, there was a considerable part of the same account, and all the other heads of expenditure, as well as the head of secret service, that would be found an ample balance to such a supposed necessary increase. For these reasons he should be against the address, because the debt was wantonly or corruptly incurred, and the augmentation mentioned by the noble lord who seconded the motion unnecessary and ill-timed, when it was known that the nation was in a state of increasing ruin; when, as he emphatically observed, the stern voice of prerogative was heard no more; but when that unbounded influence, a much more dangerous enemy to the liberties of this country, was daily extending itself, threatening at once the destruction of the constitution, and every benefit formerly derived from a limited government; when this baneful unconstitutional influence, as asserted by its very friends, was sufficient to call any man, or set of men, to the administration of public affairs whom the Crown pleased, and support them in that situation, without any regard, or rather totally independent of, and contrary to, the opinion or approbation of the people. The present requisition would have the certain effect of increasing that influence, already become too dangerously powerful; for which reason, as well as from the principle and detail of the grounds on which the present address was *moved and* seconded, he should give it a negative, by moving

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an amendment expressive of his sentiments, and to which he referred their lordships more particularly for the true grounds of his motives. His lordship delivered the amendment in at the table, which was read, and was afterwards entered on the journals, by way of protest. [See it as a protest, at the end of the debate.]

Lord *Cardiff* spoke warmly in support of the motion, and endeavoured to answer several arguments urged by the noble marquis. He protested, that if he imagined the insinuations thrown out by the noble lord who spoke last were well founded, or that there were any just ground for the direct charge contained in the amendment, he would be one of the first persons in that House who would support the amendment, and give his vote for putting a negative on the address; but he was too well satisfied of the integrity of his Majesty's servants, to suppose that they would employ the public revenues of the kingdom in corrupting either House of Parliament; much less that Parliament, though ministers were willing, would basely stoop to be corrupted with the spoils extracted from the toil, labour, and industry of their fellow-subjects. The amendment, he observed, stated that the demand now made came unaccompanied with such papers as were necessary for the satisfaction of the House. Though he spoke with great deference to those who had an opportunity of being better informed, particularly to that of the noble marquis, whose official situation led him to information he was totally unacquainted with; yet he could easily conceive that there must be some items under the several heads of expenditure referred to, which it would be highly improper to lay naked before the House, and which, if minutely examined, might be found to have been extremely necessary. Among others, he begged leave to point out that of secret service, and the money given to ambassadors, to reimburse them for important informations procured at the several courts where they reside. There might, too, be several others which he was unacquainted with, that were equally obvious. He said he would not pretend to directly contradict the noble lord, not being at that time in Parliament, relative to an agreement made with his Majesty at the commencement of his reign; but he always understood that it was an act of generosity and parental tenderness towards his subjects, which induced his Majesty to relinquish his claim to the whole of the appropriated duties, in lieu of 800,000l. a-year; and he never heard it represented in any other light, either then or since, till

this

this day. It was then urged as a strong motive for entering into that agreement, that those branches of the revenue, in the mode of collecting, &c. might be considerably improved, if incorporated into the duties, &c. appropriated for the support of the national establishment. His lordship drew a comparison of his Majesty's situation with that of private gentlemen, whose property was known to increase in proportion to the comparative dearness of the necessaries of life. It was a matter within the knowledge of every noble lord present, that the rents of their lands bore the proportion alluded to; and, in his opinion, it would be a peculiar hardship, that his Majesty should be doomed to suffer under an inconvenience which no other person in his dominions felt but himself. His Majesty had no resource but to his Parliament; the great hereditary revenues of the Crown had long since been alienated, or rendered of very little value; and if the allowance granted by Parliament were found, after so long experience, to be totally inadequate, it was incumbent on their lordships to grant their Sovereign such a revenue as might be the means of rendering him personally easy, and support with suitable lustre the honour and dignity of the Crown. For these reasons his lordship was against the amendment, and for the address moved by the noble earl.

The Earl of *Effingham* confessed his ignorance of the true grounds of the question, so far as it depended on the accounts now on their lordships' table; but as he presumed, from what had fallen from the noble marquis, and which as yet had remained uncontradicted, that ministers would accompany their demand with the necessary explanations, he should for the present content himself with a few short observations on what had suggested itself to him since he came into the House. As the best means, however, of drawing forth those explanations, he would second the amendment, because, in his opinion, if they were not satisfactory, the House could not hesitate a minute in giving the address a direct negative. The noble lord who spoke last, had dwelt a considerable time on the article of secret service, and the allowance made to ambassadors on that account. If the address could not be supported on better ground, he was pretty certain it must fall; for, from any thing he could learn, the money expended in that service was just so much money thrown away; for we had, it is well known, neither the most important nor early intelligence. It was evident, that *the lustre* and dignity of the Crown, or the personal ease and hap-

happiness of the Sovereign, were not the true causes nor objects of the present requisition, for at no time had either been more grossly sacrificed. If the sum were really inadequate, why not apply earlier? Why defer it to so unseasonable a period? Uninformed as he was, he did not know, nor understand, what was meant by the article of presents; but if it was a customary head of expenditure, he was content; so that the account of presents received, as well as given away, was fairly stated, and in consequence of such a state, the balance fairly struck. He had heard a great deal without doors, of a prevailing report of presents lately received, particularly one from the Nabob of Arcot, to a considerable amount. He did not venture to vouch for the authenticity of such a report; but if there was any truth in it, or if presents have been received from any other quarter, within the period to which the present accounts allude, it would be only acting candidly to have them revealed, and a credit taken for them accordingly. He trusted that his Majesty's servants, before they passed a vote on the subject, would clear up what appeared to him very extraordinary indeed; which was, that the deficiency stated, and the whole of his Majesty's expenditure, including the 800,000l. a-year, exactly tallied. He should be obliged to some noble lord in office, to rise and explain this paradox. If the account was to be depended on, his Majesty did not spend a single shilling but the specific sums stated in the paper. What then was become of his Majesty's extra revenues? Of the revenue drawn from Wales, Cornwall, Lancaster, Ireland, and the Leeward Islands? Was that likewise appropriated to secret service? Or was it lying in his Majesty's coffers? The latter he could hardly believe; and in what manner the affair really stood, was, in his opinion, very proper to be cleared up, and called for a particular explanation. Until he heard something to induce him to change his opinion, he should be for the amendment, and for giving a flat negative to the address.

The Earl of *Suffolk* rose, and launched forth into the highest encomiums on the transcendant virtues of the Sovereign, and what a peculiar felicity his subjects enjoyed under so wise, mild, and equitable a government. It was somewhat unusual, at least when it came from the person himself, to hear a total ignorance of the grounds of a motion publicly avowed, and still more extraordinary to have that followed by a strong opposition to its contents. This, he said, was the case of the noble lord who spoke last, and who accompanied

panied this declaration with insinuations, as if administration were accountable or blameable for his inattention and neglect, though it was evident that his lordship might have had the most ample and satisfactory information, if he perused the papers now lying on their lordships' table. As to the comparative expenditure of the two periods of eight years of the late and present reign, so warmly and strongly urged by the noble marquis who moved the amendment, they were not, he insisted, put in a fair point of view; nor were any deductions drawn from premises erroneous in themselves, to be depended upon. His lordship denied that the duties appropriated during the late reign were held in trust for Parliament, after deducting the 800,000l. a-year out of them, when they amounted to so much. On the contrary, it was a fact notoriously known, that whenever Parliament broke into those duties, in order to regulate, or change them for others, they always applied to the Crown for its approbation, which could not be the case, if the Crown held those duties in trust for the public; because, in that event, all Parliament would have to do, would be to make good the deficiency out of the first aids; and he was pretty certain, that the 450,000l. granted to his late Majesty in 1747, was not to make good the deficiency of the appropriated duties, but was clearly over and above the 800,000l. a-year granted to him on his accession. His lordship then turned his attention to the amendment, and observed upon several passages of it with great asperity. He said they were unsupported by truth. The charge of undue influence, he contended, was false and ill-founded; of which a stronger proof need not be adduced, than the uniform support which was given to his Majesty's measures by one of the most respectable, independent, and disinterested description of men in this country, the great body of land-owners of this kingdom, who loaded their possessions with heavy burdens, and who, from their situation, were well known to be totally out of the way of being operated upon in the least degree by the influence of the Crown. This support was as unprecedented in this country as it was merited, and originated as much in the propriety of the measures supported, as in the unpopularity caused by the detestable, dangerous, and unconstitutional conduct of what is commonly in this country called the Opposition. His lordship endeavoured to shew, that several of the arguments made use of by the noble marquis, respecting the outgoings of the *present* reign, were erroneous; and contended, that at no time

time had economy and frugality both, been more constantly and successfully practised in the disposition of the royal revenue. He said, that an increase of the expenditure, under the head of the cofferer's account, was obvious, from an increasing and numerous royal family; that secret service money was a service that, on particular occasions, could not be stinted without risk; and that the pension list was increased, not wantonly, or with a lavish hand, but on good grounds, to persons who had rendered eminent services to their country; to others worn out in the public service, and who had impaired their fortunes in it; and to several officers in the law department, who, from their long and meritorious services, were thought proper objects of royal bounty. It was urged, he observed, that reforms ought to have been made, in order to confine the expenditure within the royal income, and not to contract debts, and thereby virtually pledge Parliament for their payment; but this, he contended, was mere matter of argument; for the debt was regularly contracted every year, both previous and since the year 1769, in every administration, settled and unsettled, he presumed; as well in that of the noble marquis, who now so highly condemned it, as in every other that preceded or followed it. On the whole, therefore, on every principle of gratitude to the Sovereign, who had, from a peculiar tenderness for the prosperity of his subjects, out of a principle of equity to that Sovereign, who had relinquished what he was justly entitled to retain and possess, he trusted that their lordships would cheerfully concur in both parts of the requisition, as being equally necessary, reasonable, and just.

The Duke of *Grafton*, after testifying his high respect for the personal virtues of his Majesty, and how cheerfully he was inclined to acquiesce in every measure which might promise to promote his happiness, and support the dignity and lustre of the Crown, declared he could by no means, consistent with the duty he owed to his Sovereign and his country, agree with the address now moved; he would much rather, if it were agreeable to parliamentary order, put the previous question, both on the address and amendment: he doubted it was not; and when he had inquired into the matter, from those who were better acquainted with the established forms of the House, he would again rise and move it, in whatever manner the usages of Parliament permitted him. He observed, that the noble earl who spoke last, had made use of a

very emphatical expression, "every administration, settled or unsettled." That very influence of the Crown which could settle and unsettle administrations at pleasure, was, he solemnly protested, the great cause of the deficiency now so justly complained of. It was that fluctuating state of politics, and change of men, that till very lately rendered even every thought of reformation totally impracticable; for he was thoroughly convinced, that 800,000l. a-year, was a most ample revenue, and fully sufficient to answer every expence of the civil government, ordinary and extraordinary. He was ready to pledge himself to that House, that he would prove most clearly, upon incontrovertible facts, that that sum would support the Crown with a dignity and lustre it had not experienced for many years. He expected to hear it urged in reply, Why, when you were minister, did not you set this reform on foot? You came to Parliament on a similar errand, while you presided at the head of the national finances; and how could you make such an application, when you were satisfied that the royal revenue was an ample one? He said he put the question, on purpose to answer it, and preclude the objection. It was the unsettled, slippery situation he stood in; it was the improbability of succeeding in it, and the dictates of common prudence, not to encounter the odium such a measure would be productive of, which shewed him the folly of obstinately persisting in a fruitless attempt. He was well aware what an invidious task it would be; how many persons it would offend; how many men it would irritate, who had both the power to obstruct the measure, and the means too of avenging themselves on its author. He had a noble lord in his eye [Lord Talbot], who once thought that such a scheme was practicable, and who had incurred a considerable deal of odium on that account, and, as it turned out, to very little purpose; for, by some of the observations which fell from the noble marquis, it appeared, that that part of the establishment with which the noble lord was connected, was rapidly on the increase, instead of being diminished. His grace said, out of regard to the noble marquis, he would not move the previous question on his amendment; but he conjured their lordships, as the best proof of their loyalty and affection for his Majesty, that they would consent to have the original motion postponed, and agree to appoint a committee to inquire into the expenditure; but more particularly, to inquire what parts would

best

best admit of a reduction; and when that was finally settled, then proceed to a vote of concurrence for whatever this reduced estimate might amount to; that, he offered to prove, would not exceed his Majesty's present revenue, and would not bear upon a single article which was thought by his warmest friends to administer to his Majesty's ease and personal satisfaction, or was necessary to sustain, with splendour and dignity, his elevated rank and situation;—on the contrary, he was convinced the retrenchments he had in contemplation, would every one of them tend to promote a rational liberal economy, and good government. As to the matter which had been so strongly contested, relative to the disposition of the excess of the appropriated duties during the late reign, it was a point which had long since given birth to contrary opinions; and the manner that affair stood in the civil list act passed at the commencement of that reign, was urged against Sir Robert Walpole, as one of the most objectionable parts of his political conduct. Be that as it may, the point was in some degree decided, by the withholding the small overplus revenue, and augmenting the civil list fund with it, early in the present reign. His grace lamented very pathetically the universal moral and political depravity of the age, which he attributed in a great degree to the operative powers of the influence of the Crown on all ranks, from the highest to the lowest, and predicted that they would continue to extend in proportion as that influence was strengthened and increased. He observed, that the consequences of the address promised to be truly alarming, if in no other light but the irresistible power it threw into the hands of ministers, who were generally good and virtuous, in proportion to the number of temptations, and the means they had of rendering themselves corrupt, despotic, and oppressive. His grace again pledged himself to the House, that he would prove from documents the most clear, authentic, and incontestible, if they should consent to go into a committee on the subject, that 800,000l. *per annum* would answer every end of private ease, personal dignity, and royal splendour; in short, every appendage to royalty, but what his Majesty's ministers mistakenly thought a necessary one, that of giving them, through the means of corrupt influence, an unbounded power and control over the will and resolutions of Parliament.

Earl *Talbot* looking upon himself as called upon by the

noble marquis, but more particularly by the noble duke who spoke last, rose and spoke for upwards of three quarters of an hour. In reply to the noble marquis, relative to the equitable pretensions the Crown had to come to Parliament, because his present Majesty had relinquished the appropriated duties, and had taken a net 800,000l. a year in lieu thereof, he believed that was not perfectly explained by his lordship. He had himself conversed with the late Mr. Pelham, when minister, on the subject. Mr. Pelham was an honest, able man, though not so great a minister as Sir Robert Walpole. He seldom conversed with ministers, before his acceptance of the post he now occupies in his Majesty's household; he always opposed their measures: since he has voted with administration, he conversed as little with them. Sir Robert Walpole was an able minister; he saw the necessity of rendering the Crown independent; and he believed that there were many parts of Sir Robert's conduct much more objectionable, than his securing for the Crown the 800,000l. independent of Parliament, and the surplus of the appropriated duties, if any surplus should arise. To return; he remembered very well his speaking to Mr. Pelham on the subject; but yet he never understood, whatever doubts that gentleman might have entertained, as to the appropriation of the surplus, if any surplus should arise, that the 450,000l. granted in 1747, was not over and above the 800,000l. consequently, he was pretty certain, that the noble marquis was at least mistaken in that part of his argument, when he said that sum was included and granted to make up the deficiency. His lordship further remembered, that one of the duties appropriated arose from an excise, which was deemed extremely hurtful and pernicious to both the health and morals of the people [supposed to mean British spirits]; and when the legislature thought fit to lay an additional duty to what was then imagined to be pretty nearly equal to a prohibition, and when this high duty was found to raise the fund instead of prohibiting the sale of the commodity, which was the intention of the legislature, the excess arising therefrom was looked upon as an augmentation, and not by any means as asserted by the noble marquis, to be held in trust for the public. As to the great increase of expenditure, stated by the same noble lord, to have arisen in the cofferer's office, in which the expences arising in his department were included, most certainly his own part of the disbursements

had

had increased within the last eight years the sum of 26,000l. There was a variety of concurrent circumstances which caused this increase; not any one of them, he would venture to assert, that could fairly be imputed to an inattention or neglect of duty. He appealed to their lordships' recollection if, when he first entered on his office, he did not exert himself as much as possible to contract within reasonable bounds the expences of that part of the household, as well as retrench and strike off what appeared to him totally unnecessary. His plan would have succeeded, at least in part, but for the reasons he should mention before he sat down. The first step he took, was to put several of the household upon board-wages, where there were tables kept, and strike off the tables where there was no actual attendance. This, for a while, gave content to several? indeed they petitioned for such a regulation; but, on the other hand, it became a source of endless clamour with others; and it was well observed by the noble duke in the blue ribbon, that the task of reformation is a very invidious task, when undertaken by an individual: indeed I have often known it to miscarry when seemingly countenanced by Parliament. These regulations were found to press upon some persons whose voices were loud enough to make themselves heard; it was a popular topic, and many who were totally ignorant of the true cause, joined in the clamour. I can better explain my meaning by adverting to a single circumstance, which will shew how difficult it is to reform the menial servants of his Majesty's household, when the profits are enjoyed by persons of a certain rank, and services performed by another. The fact I allude to, is, that one of the turnspits in his Majesty's kitchen was, and, I believe, still is, a member of the other House. The poor man who performed the duty had 5l. a year for his trouble. Many similar instances might be mentioned. I have selected this one. But to return to the more immediate object, the increase of expenditure in my office. This has arisen from a variety of circumstances, such as the prodigious advance on all the necessaries and luxuries of life, the increase of the royal family, of attendants, nurses, tables, &c. Even the very reform I made in the early part of his Majesty's reign, has added, instead of diminishing the expence. By that establishment, several persons who had board-wages allowed them, but who gave little or no personal attendance, are now obliged to perform their duty. They claim the benefit of the establishment then made, and are obliged at the same time to have tables allowed them, and

cause it is indispensably necessary that they should always be ready to attend. There are now no less than three and twenty tables kept, eleven of which are for the nurses, there being so many of that description. It is necessary that each should have a separate table, for who would trust two women at the same table, and expect they would long agree?

He recollected a circumstance, he said, which would, he believed, fully establish the idea urged by the noble mover of the address, and the other noble lords who spoke in support of it; which was, the offer made by the late Sir John Barnard, of farming the duties appropriated for the payment of the civil list, at 900,000l. *per annum*. It was never imagined that the public, had the offer been accepted of, were to reap the benefit of the 100,000l. surplus; on the contrary, it was then urged as an argument, that the Crown had a revenue fully sufficient to maintain its lustre and dignity, if it had been properly managed.

His lordship then drew a most melancholy picture of the domestic situation of the Sovereign, and how far his feelings, as a man and a master, were daily wounded; nay, he asserted, that they had totally broke his peace of mind, and pursued him to his most secret retirements. He appealed to their lordships, if there was one of them could rest quietly on his pillow, while he was conscious at the instant that his servants and tradesmen were rendered miserable on his account; threatened perhaps with the want of the necessaries of life, or with bankruptcy and ruin. The very coal-merchant who served the household, had, he said, 6000l. due to him; so it was in proportion with all the other tradesmen. Again, the poor menial servants, who had no other means whatever of support, and who had six quarters wages due to them, how pitiable and distressing must their situation be! Their complaints, he affirmed, were sufficient to penetrate a heart the most obdurate and unfeeling; and he solemnly protested, that his own situation was very nearly as much to be pitied, being necessarily obliged to hear those stories of distress and wretchedness, without having it in his power to alleviate or remove them. He even sacrificed the privileges of his place; those vacancies which he had a right to dispose of, he bestowed upon several of them, in order to soften and blunt their miseries. He did not claim this privilege of appointing as a right inherent in his office, but a permission his Royal Master indulged him with, in common with his predecessors *who had* occupied the same high post. And to add to the situation

tuation of the crown creditors, the dread of a demise suspended over their heads was enough to bring them to the very brink of despair.

He observed, that great stress had been laid on the 100,000l. augmentation, which he understood was what was proposed, as if that sum was to be drawn out of the pockets of his people, already too heavily burthened with taxes. This, he said, was a fallacious method of stating that matter; for he appealed to their lordships, if it was not a received opinion, both within and without doors, that every estate in this country is taxed at the rate of ten shillings in the pound. The civil list is known to be subject to the heaviest taxes that are laid, and is equally burthened with the land. If, therefore, one half returns in taxes, the proposed increase would not be actually more than 50,000l. out of the public purse, instead of 100,000l. which it was represented to be

His lordship concluded with debating the point of influence, so strongly urged by the noble marquis, and so pointedly stated in the amendment; on the contrary, he thought that whatever tended to make the Sovereign easy in his domestic situation, and independent of the minister, served as so much power to be used for the benefit of the people, not against them. The situation of his Majesty, says his lordship, was much to be lamented a few days since. It was such as I have described it. Suppose a minister a fortnight ago should tell his Majesty that he could not come to Parliament; suppose he should threaten, or had threatened to resign, what could his Majesty do? What would not he promise or grant a minister, circumstanced as he must have been? It is true, we may suppose, that though the minister had resigned, your lordships, when you received the message, would have complied; but give me leave to tell you, my lords, it would have raised and increased difficulties: it might not defeat the measure; it would nevertheless create divisions here; it would create divisions in administration; it would tend to divide ministers more than they are already, and God knows they are divided enough. On the whole, my lords, I would never have the King dependent on his ministers, which, while his affairs are distressed, must always be the case. He is not his own master. The ministers have it in their power to dictate their own terms. He must grant whatever favours they chuse to ask; he is left no will of his own; they tell him they will resign, and abandon the very

measures, perhaps, they have been the contrivers of, while the King labours under difficulties such as the present.

The Marquis of *Rockingham* rose in reply, and animadverted upon some violent expressions which had fallen from a noble lord high in office [Lord Suffolk]. The words, he said, were, "That the conduct of what was called in this country Opposition, was detestable, dangerous, and unconstitutional." This, his lordship observed, was a heavy charge, for no other crime than barely differing from the noble lord and his colleagues in office. But he presumed, that the charge was founded on the important discoveries of Mr. Brown Dignam, and those made concerning Mr. Sayer the banker. It was, indeed, a sure means of rendering any man, or set of men, detestable, when spies and informers were employed and paid to forge plots and conspiracies against the state. Mr. Sayer was to have possessed himself of the Tower, and the person of the King, if Mr. Richardson was to be believed; and several of the most respectable characters in both Houses, if Mr. Brown Dignam was to be credited, were concerned in a conspiracy against the life of his Majesty. This kind of policy seemed at first sight somewhat extraordinary, but it nevertheless answered certain purposes, upon a narrower inspection. It served to account, in part, for the disposition of the secret-service money, and at the same time to substantiate the charge, that the conduct of what was called Opposition, was detestable. To be sure the money laid out in this manner was well spent, and the authority on which the charge was founded truly respectable! He supposed the noble lord would explain what he meant; because, however authentic the information might have been, on which his charge was supported, it was confined to a few, and could not be supposed to reach the conduct of all those who were called Opposition in this country.

The Earl of *Suffolk* denied that he made use of the word *detestable*, and did not think it fair nor parliamentary to have expressions imputed to him which he never used—[Here their lordships looked at each other with astonishment]; but even if he had, he thought himself fully justified in making use of it; for he sincerely was of opinion, that the conduct of Opposition merited both the contempt and detestation of every man who wished well to the interests and prosperity of his country. I do in my conscience and soul believe, that the detestable conduct of those called Opposition in this country, *has been* as instrumental in rendering the present administra-

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tion popular, as the wisdom and rectitude of their measures. I do in my conscience and soul believe, that their detestable conduct has increased the majority in both Houses; and I am in my very soul and heart convinced, that they have rendered themselves so universally detestable, by the mode and complexion of their opposition, that many members who were doubtful as to the justice and expediency of the measures pursuing by the King's servants, have attached themselves to administration, and voted with them, solely on that account. His lordship denied, without reserve, that Dignam had given any information against the noble and honourable persons alluded to by the noble marquis. He was ashamed to hear Dignam's name mentioned in such a respectable assembly; but since it was, he could affirm, that the manner it was represented was ill-founded. He was neither encouraged to tell lies nor truth; nor was he paid for what he did tell. His story was worthy of attention: it was plausible, and full of every appearance of truth. It would have been extremely improper to refuse to listen to it; and administration, he affirmed, conducted themselves with the utmost propriety. They listened, but did not believe; and took the necessary, the most efficacious means to discover the truth; and when they found him to be an impostor, they abandoned him to the laws. And he begged leave to repeat once more, before he sat down, that the conduct of those called the Opposition, was detestable; and though Dignam was an impostor, he had other proofs, and those of such a nature as not to admit of a doubt, that Opposition deserved that public detestation which they were notoriously known to be held in.

The Earl of *Shelburne* said, he should abstain, out of respect to his Sovereign, and their lordships, from animadverting on the indecent charges, and the coarseness of expression that accompanied them, which fell from the noble lord who spoke last. They would have been unworthy of notice at any time; the present, for the reason before assigned, would be particularly unseasonable. He professed his astonishment at the language held by the friends of the address throughout the whole debate. The civil list revenues were described as so much hereditary property; they were represented as an entailed estate, and deductions drawn from that supposition, shewing, that the Crown had an absolute, distinct property in the duties appropriated for the maintenance of the civil government, independent of Parliament, than which nothing can be farther from the true state of that matter. The duties alluded to, at no time belonged to the Crown,

Crown, they were at the disposition of Parliament; King William had 4000l. per week taken from him, though the nation were under such singular obligations to him. The grants of the forfeited estates, which formed part of them, were resumed in the next reign, and applied to the exigencies of the state. In the reign of Queen Anne, 700l. per week was charged on the post-office, which was part of the civil list revenue; and several other parts of it were applied to particular uses, and to the exigencies of the war. It was, therefore, to the last degree absurd, preposterous, and fallacious, to suppose the agreement made by his present Majesty was any act of concession in him. He relinquished nothing; he gained nothing. He accepted the bounty of Parliament. The offer came from himself; and it may be presumed, that the noble lord who then enjoyed his confidence, advised him to demand such an income as would be adequate to the maintenance and support of the Crown with dignity and splendour. But even if his Majesty had the option we hear this day so loudly contended for, the agreement was solemn and specific, and ought not to be receded from. It must have been in his Majesty's contemplation at that time to marry. He must have provided accordingly for the necessary expences attending such a state, and the probability of having a numerous issue, which the event has since proved, and whom God long preserve. It is therefore, taking the matter in either light, an idle and ill-founded argument. If he had no specific or rightful claim on the appropriated duties, he of course lost nothing; if he had, and made a fair, equitable agreement, he is manifestly bound by it. As to the accounts, he said they were fallacious and defective. They were defective, because they came unaccompanied by a single voucher: accounts unvouched, were in fact no accounts. Those lying on the table stated such and such sums, issued under the heads therein enumerated, but make no mention to whom, or on what account. The only fact that can be gathered from them, is, that certain sums were paid, but on what account the House is not informed, no more than if no such transaction had ever happened. In short, what was put in detail, might be as well put in gross; the whole deficiency, or the total of all that was paid, might be as well stated in one or two lines, just as the clerk thought proper,, as those several items that appeared, for the account was an unvouched account, which, in the plain understanding of all men, was no account. But if the accounts were defective, there was an article stated in

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the produce of the civil list revenues, which contained the grossest fallacy and imposition on the very face of it. If one false article in any account could be proved, and it was manifest that the imposition got into it by design, it was a fair deduction to say, that the whole account was false. What then, from the manifest defectiveness of the accounts, for want of vouchers and specification, and the gross imposition of this one article he was about to mention, he was fairly justified in point of fact, as well as argument, to say, that the whole was one scene of imposition and delusion. He should not dwell on the atrociousness of the offence, the indignity put on Parliament, and the injustice to the nation, but leave that to the feelings and judgment of their lordships. The point was this, the increase on the hereditary revenue was stated in the account to amount to upwards of 30,000l. a year, which, by the bye, was the greatest part of the excess of the appropriated duties, which, in the whole, according to the mutilated and fabricated accounts on the table, amounted to no more than 70,000l. *per annum*. Now, upon inspection, it came out, that this increase was not on what was improperly called the appropriated duties, according even to the language of administration, but upon the parliamentary duties. This excess, or surpluss of 30,000l. arose from the increase of the post-office fund, which was created by the post-office act of the fifth of his present Majesty, to which the Crown had not the most distant pretence. From this incontrovertible fact, which he defied the most zealous supporter of the address to contradict, he drew this conclusion, that the accounts were no less defective and informal, than they were fallacious and impositious.

He observed, that the noble lord with the white staff [Lord Talbot] had referred to a fact, which, if taken in his lordship's own way, proved nothing; and proved at the same time, that it was mere argument, and that nothing serious was intended when the offer was made. The noble lord with the white staff asserted, that Sir John Barnard offered to farm the civil list revenue at 900,000l. *per annum*. What would that prove, supposing he had offered double that sum? But, says the noble lord, it was used in argument to shew the civil list revenue was improperly managed. Be it so; it was a good argument to shew, that Parliament had no right to make good the deficiencies, when the duties, instead of falling short of the 800,000l. would have produced another hundred; but it was impossible Sir John Barnard, or the Parliament,

ment, could have meant, that if the duties had produced the 900,000l. the Crown would have been entitled to the surplus; because the very demand then made implied a right to a specific sum, and not to the duties. If the duties belonged exclusively to the Crown, the Crown must have been satisfied with the produce; if they did not, but were pledged to it for a specific sum, the Crown had a right to apply to Parliament to make good that sum. Finally, taking the offer as a matter of mere argument, it was plain that Sir John was out in his computation, for the whole of the duties have hitherto amounted to no more than 870,000l. *per annum.*

His lordship concluded with a general account of the degeneracy of the people at large, the pernicious consequences of faction, of patronage, of borough-hunting, of contractors and their contracts, of peculations and corruption at home, of the increased influence of the Crown, and a variety of other circumstances of singular importance. He observed, that the influence of the Crown was not the only influence which tended to bring this nation to slavery, destruction, and ruin; nor was the all-powerful effects of corruption confined to Parliament; the whole mass of the people were corrupted, or corruptible. No man scarcely possessed a political right in the state, who did not wish to part with, or sell it for as much money as it would bring at market. The nation was composed of buyers and sellers. Every man wished to purchase, or dispose; and when he purchased, it was always with an intention to dispose. Which of their lordships who lived in the neighbourhood of a borough, did not wish to bring that borough over to be at his own disposal; and which of them was it, that having it in his possession, did not wish to derive advantages suited to its value, or the peculiar temper and disposition of the possessor? Where was the borough that was not to be bought, or influenced? Or, if such a phœnix could be found, where was the borough or city that could long withstand the temptations or arts employed to rob it of its integrity, or influence or mislead its judgment? What cannot be effected by fraud, corruption, or force, is brought about by various other methods. Contracts and contractors, and the inexhaustible source of influence derived through these fruitful channels, have done wonders; and have succeeded in cases, where bribes, places, and pensions, from insuperable impediments, must have for ever failed. Contracts not only answer purposes in Parliament, but from their fertile and happy nature, flow through twice ten thousand channels.

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The great contractors have their different contracts; those again are divided and subdivided almost *ad infinitum*; so that scarcely a man, who possesses any property throughout the kingdom, but finds it his interest to support measures, to wish to prolong a war, by which, though the public may be ruined, he is sure to be rendered opulent and independent. This influence, growing from contracts, has risen to a pitch hitherto unparalleled. It has got among the directors of great companies, and extended itself among their creatures and dependants. While government serves them as chosen friends, it enables them to be the chosen friends of government. To answer the purposes of patronage, it has been extended to some of the nabobs of Leadenhall-street, who not content in the pillage of the East, and of plunging us into a war to enable them to pillage the West, have now contracts heaped upon them, lest they should be tempted to pay any attention to the interests of the Company, contrary to the opinion of the noble lord who has employed the power, riches, and patronage of the Company, in supporting his favourite measures on the opposite side of the globe. Indeed, the present minister had surpassed all his predecessors in office, in drawing advantages from having it in his power to oblige his friends with contracts; for his predecessors usually waited till applications were made, but his lordship had improved upon this general rule of disposing of them: he was too mindful of his friends to neglect them when so fortunate an opportunity offered to oblige them. He accordingly sends offers, encourages, and saves them the trouble of asking; loth to offend their delicacy, he meets them more than half-way. The power of influence, though general, is not, however, universal. There are some who have the virtue, perhaps, to withstand it; and even in the mercantile world there are many who plainly perceive its tendency, and dread its evil effects. He said, he was lately in conversation with one of the latter description, on the subject of the place of chamberlain, who told him, that the profits of that officer's place was mostly drawn from the interest accruing on the money, the property of the corporation, lying in his hands. Why is not the money put into the bank? Such is the credit of the bank at present, replied the gentleman, that I firmly believe, if such a proposition were made to the city of London, they would not accede to it. His lordship then repeated several instances of the shameful peculation of the public money in almost every department of the state; and particularly an instance

stance which lately happened respecting the extra revenue, which, with every other of the kind, substantially helped to create the very debt now desired to be paid off; that was the secretary to a commission, which was to hold out nothing but death or slavery to America; yet that very secretary had lately a pension granted on duties raised on part of that country, on the four and a half *per cent.* duties, unjustly raised on some of the sugar islands; a tax merely laid on by virtue of prerogative; a tax which he supposed would be hardly defended by a majority of that House who had so often declared, since the common consent of the present war with America, that the British Parliament alone had a right to lay or levy duties on the subjects of the British empire, and not the King by his bare proclamation; and a tax, he trusted, for the honour of the legislature, and the preservation of the rights of the people, he would one day see reprobated as utterly illegal and unconstitutional; as equally incompatible with the power of Parliament in one light, as with the clear distinct right of property of the people, other than by their own consent, in the other.

His lordship concluded by making some strictures on what fell from the noble lord who seconded the motion, relative to the average difference of the last sixteen years expenditure, and the civil list revenue when augmented to the sum proposed, which difference was represented as a trifle, though according to the noble lord's own confession, it amounted to 30,000l. *per annum.* This, his lordship said, was very strange language indeed; and that too by a noble lord who was entrusted, with others, with the care of the national finances. He supposed the noble lord looked upon the whole 100,000l. but as a trifle; yet he begged leave to assure his lordship, though not so conversant in money matters, that 100,000l. when properly considered, was a very great sum: it would pay the interest of this year's loan; it would prevent the people, already most cruelly over-burthened with taxes, from being heavier loaded; it would, if appropriated to the purpose of supplying other taxes, under which the poor were suffering, it would occasion joy and gladness to millions of miserable, though industrious poor; it would answer for the duties now raised on leather, soap, candles, and salt; it would let in the light by day, and be the cause of cheering the lonely, miserable, dusky mansions of the poor labouring part of the community by night; in fine, instead of corrupting the morals of all ranks, of influencing

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Parliament, and of furnishing means to the idle, extravagant, and profligate, of wallowing in vice, riot, luxury, and dissipation, it might be happily employed in rendering the poor, oppressed and industrious part of the community more easy and comfortable in their destined situations, and be the means of relieving them from those intolerable burthens, which no people under heaven but themselves this moment endure.

Lord *Dudley* concluded the debate.

The question being put on the Marquis of Rockingham's amendment, the contents were 20, non-contents 96.

As soon as their lordships returned into the House, the Duke of *Grafton* repeated his former proposition, that he would, if a committee were appointed, prove to the satisfaction of the House, that 800,000l. would be an ample revenue to support, not only the honour and dignity, but the lustre and splendour of the Crown. He entreated administration to consent to the proposition, as the only means of preventing the further increase of that influence, which threatened at length to overwhelm this once glorious empire in inevitable destruction.

The Earl of *Suffolk* opposed the intended effect of the motion. He said, sixteen years experience had afforded the fullest proof that 800,000l. was not adequate to the support of his Majesty's household, and the expences of his civil government; that the minister who was at the head of the finances, was known to be equally able and frugal, and no less honest than either: and that under so good a Prince, assisted by such a minister, Parliament had every right to be persuaded that the public money was wisely laid out, and faithfully applied to the purposes for which it was granted.

The question being put on the Duke of Grafton's previous question, the contents were 98, non-contents 28.

The main question on the address was then put, and agreed to by a majority of 90 to 20, and the House rose at half after eight o'clock.

THE PROTEST.

Dissentient,

For the reasons contained in the amendment proposed and rejected, viz. in lieu of the address, to substitute the following:

To assure his Majesty of the inviolable affection and loyalty of this House; and that it is with the sincerest affliction we find our duty to his Majesty, and to our country, entirely

tirely incompatible with our compliance with the request made to us in his Majesty's name.

That at a time when the increase of public debt, attended with the decrease of the British empire, manifestly required the utmost economy in the management of the revenues of the Crown, we cannot behold, without astonishment and indignation, a profusion in your Majesty's ministers, which the greatest prosperity of our affairs could scarce excuse.

That this House, with the most zealous devotion to your Majesty's true interests, beg leave to represent to your Majesty, that we humbly apprehend the clear revenue of 800,000l. a year, which supported the government and court of your Majesty's grandfather, of happy memory, in great authority and magnificence, is fully sufficient (if managed by your Majesty's servants with the same integrity and economy) to maintain also the honour and dignity of your Majesty's Crown, in that reverence in which we wish, as much at least as those who have squandered away your revenues, to see it always supported.

Parliament has already in consideration (we suppose) of some expences at the beginning of your Majesty's reign, discharged the debts and incumbrances on the civil list to a very great amount. Again to exceed the revenue granted by Parliament, without its authority, and to abuse its indulgence in paying one debt, by contracting in so short a time another, and a greater, is, on the first view, a criminal act. Your Majesty's ministers ought to have laid some matter before this House, tending to shew that your Majesty's government could not be reputably supported on the provision made by Parliament; whereas they have only laid before us the heads on which they have exceeded, without any thing that can tend either to justify or excuse the excess; and the only reason given to us for paying that debt is, that your Majesty's ministers have incurred it.

With regard to the further increase of your Majesty's civil list revenues, we must decline any concurrence therein, not solely from motives of economy (though at no time more strictly required) but from a dread also of the effect of such an augmentation on the honour and integrity of Parliament, by vesting such large sums without account in the hands of ministers, when an opinion is known to prevail, and which we have no means of contradicting, that your Majesty's civil list revenues are employed in creating an undue influence in Parliament, it would be extremely unbecoming of

us to vote, without manifest reason, great sums out of the property of your Majesty's subjects, which are supposed to be applied to our private emolument. It is our duty to attend to the reputation of Parliament; and we beg leave to represent to your Majesty, that a further increase of the present overgrown influence of the Crown would be a treacherous gift from Parliament even to the Crown itself, as it will enable the ministers to carry on those delusive systems which have been fatally adopted, and which, if pursued, must lead to the ruin, as they have already produced the distraction, of this once great empire.

ABINGDON,
ABERGAVENNY,
ARCHER,
KING,
THANET,
TORRINGTON,
STAMFORD,
EFFINGHAM,
RICHMOND,
PORTLAND,
ROCKINGHAM,
FITZWILLIAM,
DEVONSHIRE,
MANCHESTER.

April 17.

No debate.

April 18.

Private business. Adjourned to the 21st.

April 21, 22, 23, 24, 25.

The same. Adjourned to the 28th.

April 28.

Cause respecting a will, being an appeal from the court of chancery, in which Winifred Lawson, widow, was appellant, and ——— Lawson, Esq. and others, respondents. As soon as the pleadings were finished, Lord Mansfield, in one of the most able law arguments ever delivered in that House, traced the law relative to the point in question, from the year 1687 to the last determination by Lord Hardwicke in 1742, in the several chancellorships of the last noble lord, and of Lords Jefferies, Cooper, Macclesfield, Harcourt, King, and Talbot; shewed that executors, unless in cases where the contrary was inconsistent and incompatible with the apparent intention of the testator, or by implication, or strong presumption of fraud, were entitled to the residue of the personal estate, after paying debts and legacies. On these grounds, therefore, his lordship moved, the first decree given in 1772, and another given in 1776, upon rehearings, to be both reversed; which was agreed to. The lord chancellor made no reply.

April 29.

Private business.

April 30.

Bills passed.

May 1, 2.

No debate.—Adjourned to the 5th.

May 5, 6.

Private business.

May 7.

Bills passed.

May 8, 9.

Private business.—Adjourned to the 12th.

May 12, 13, 14, 15.

The same.—Adjourned to the 27th.

May 27.

Nothing.

May 28.

It was moved to go into a committee on the silk bill, being the order of the day.

Earl *Paulet* opposed the motion. His lordship stated the increasing and flourishing state of the manufacture, and the comparative value of labour and provisions in France and England; and observed, that by some of the clauses in the act, the raw silk was enhanched on the manufacturer: that the act now to be continued, being near expiring, raw silk had fallen in its value; but that, as soon as this bill had passed the other House, it suddenly rose again; he contended, therefore, that every law which raised the raw materials on the manufacturer was impolitic; and moved, that the order be postponed till that day three months.

Lord Viscount *Weymouth* said, that the bill had been tried, and had for several years been highly approved of. That he was not sufficiently acquainted with the subject, to controvert the facts stated by the noble earl; but should the bill, without any other provision having been made (which must be the case so late in the session), be lost, French silks would be poured in on us, to the utter ruin of the native manufacture. On this ground he recommended to the noble earl to withdraw his motion; to go into the committee; and then to move a shorter time, for one year, for instance, till the whole subject could be fully discussed in the next session; for if that should not prove agreeable, his lordship might let the bill pass unnoticed in the committee, and oppose it on the third reading.

Earl

Earl *Paulet* closed with the first proposition, and moved in the committee, that the duration of the bill might be one, instead of six years; and the question being put, the motion passed in the negative.

Lord *Camden* gave notice, that on the 30th, the Earl of Chatham would attend the House, and make a motion respecting the American war. His lordship moved, that the Lords might be summoned for that day. Agreed to.

Adjourned to the 30th.

May 30.

The Earl of *Chatham*. My lords, this is a flying moment; perhaps but six weeks left to arrest the dangers that surround us. The gathering storm may break; it has already opened, and in part burst. It is difficult for government, after all that has passed, to shake hands with defiers of the King, defiers of the Parliament, defiers of the people. I am a defier of nobody; but if an end is not put to this war, there is an end to this country. I do not trust my judgment in my present state of health; this is the judgment of my better days; the result of forty years attention to America. They are rebels; but what are they rebels for? Surely not for defending their unquestionable rights! What have these rebels done heretofore? I remember when they raised four regiments on their own bottom, and took Louisburg from the veteran troops of France. But their excesses have been great. I do not mean their panegyric; but must observe in attenuation, the erroneous and infatuated counsels which have prevailed—the door to mercy and justice has been shut against them. But they may still be taken up upon the grounds of their former submission. [*Referring to their petition.*] I state to you the importance of America; it is a double market; the market of consumption, and the market of supply. This double market for millions, with naval stores, you are giving to your hereditary rival. America has carried you through four wars, and will now carry you to your death, if you don't take things in time. In the sportsman's phrase, when you have found yourselves at fault, you must try back. You have ransacked every corner of Lower Saxony; but 40,000 German boors never can conquer ten times the number of British freemen: they may ravage; they cannot conquer. But you would conquer, you say! Why, what would you conquer—the map of America? I am ready to meet any general officer on the subject [looking at Lord Amherst.] What will you do out of the protec-

tion of your fleet? In the winter, if together, they are starved; and if dispersed, they are taken off in detail. I am experienced in spring hopes, and vernal promises; I know what ministers throw out; but at last will come your equinoctial disappointment. The tell you—what? That your army will be as strong as last year, when it was not strong enough. You have got nothing in America but stations. You have been three years teaching them the art of war. They are apt scholars, and I will venture to tell your lordships, that the American gentry will make officers enough, fit to command the troops of all the European powers. What you have sent there, are too many to make peace, too few to make war. If you conquer them, what then? You cannot make them respect you; you cannot make them wear your cloth. You will plant an invincible hatred in their breasts against you. Coming from the stock they do, they can never respect you. If ministers are founded, in saying there is no sort of treaty with France, there is still a moment left; the point of honour is still safe. France must be as self-destroying as England, to make a treaty, while you are giving her America at the expence of twelve millions a-year. The intercourse has produced every thing to France; and England, Old England, must pay for all. I have at different times made different propositions, adapted to the circumstances in which they were offered. The plan contained in the former bill, is now impracticable: the present motion will tell you where you are, and what you have now to depend upon. It may produce a respectable division in America, and unanimity at home. It will give America an option: she has yet had no option. You have said, lay down your arms, and she has given you the Spartan answer, "Come, take."

[Here he read his motion.]

"THAT an humble address be presented to his Majesty, most dutifully representing to his royal wisdom, that this House is deeply penetrated with the view of impending ruin to the kingdom, from the continuation of an unnatural war against the British colonies in America; and most humbly to advise his Majesty to take the most speedy and effectual measures for putting a stop to such fatal hostilities, upon the only just and solid foundation, namely, the removal of accumulated grievances; and to assure his Majesty, that this House will enter upon this great and necessary work with cheerfulness and dispatch, in order to open to his Majesty the *only* means of regaining the affections of the British colonies,

nies, and of securing to Great Britain the commercial advantages of these valuable possessions; fully persuaded, that to heal and to redress, will be more congenial to the goodness and magnanimity of his Majesty, and more prevalent over the hearts of generous and free-born subjects, than the rigours of chastisement and the horrors of civil war, which hitherto have served only to sharpen resentments and consolidate union, and if continued, must end in finally dissolving all ties between Great Britain and the colonies."

Lord Chatham afterwards rose to explain what indeed he had before explained to Lord Lyttelton. The proposal is specific. I thought this so clear, that I did not enlarge upon it. I mean the redress of all their grievances, and the right of disposing of their own money. This is to be done instantaneously. I will get out of my bed, to move it on Monday. This will be the herald of peace; this will open the way for treaty; this will shew Parliament sincerely disposed. Yet still much must be left to treaty. Should you conquer this people, you conquer under the cannon of France; under a masked battery then ready to open. The moment a treaty appears, you must declare war, though you had only five ships of the line in England; but France will defer a treaty as long as possible. You are now at the mercy of every little German chancery; and the pretensions of France will increase daily, so as to become an avowed party in either peace or war. We have tried for unconditional submission; try what can be gained by unconditional redress. Less dignity will be lost in the repeal, than in submitting to the demands of German chanceries. We are the aggressors; we have invaded them; we have invaded them, as much as the Spanish Armada invaded England. Mercy cannot do harm; it will seat the King where he ought to be, throned on the hearts of his people; and millions at home and abroad, now employed in obloquy or revolt, would pray for him.

In making his motion for addressing the King, he insisted frequently and strongly on the absolute necessity of immediately making peace with America. Now, he said, was the crisis, before France was a party to the treaty. This was the only moment left, before the fate of this country was decided. The French court, he observed, was too wise to lose the opportunity of effectually separating America from the dominions of this kingdom. That whenever France or Spain entered into a treaty of any sort with America, Great Britain must immediately declare war against them.

That he would be among the first to advise it, even if we had but five ships of the line in our ports; and that such a treaty must and would shortly take place, were pacification delayed. War between France and Great Britain, he said, was not less probable because it had not yet been declared: it would be folly in France to declare it now, while America gave full employment to our arms, and was pouring into her lap her wealth and produce, the benefit of which she was enjoying in peace. He repeated, that America was contending with Great Britain under a masked battery of France, which would open upon this country as soon as she was fully prepared for war. He enlarged much on the importance of America to this country, which in peace and in war, he observed, he ever considered as the great source of all our wealth and power. And then added [raising his voice], "Your trade languishes, your taxes increase, your revenues diminish; France at this moment is securing and drawing to herself that commerce which created your seamen, fed your islands, &c."—He reprobated the measures which produced, and which have been pursued in the conduct of the civil war, in the severest language—infatuated measures giving rise, and still continuing a cruel, unnatural, self-destroying war. Success, it is said, is hoped for in this campaign. Why? Because our army will be as strong this year as it was last, when it was not strong enough. The notion of conquering America was treated with the greatest contempt. What is it you propose to conquer? The map of America? As to the conquest of the country itself, the gaining of ten pitched battles would do nothing towards it. It is the descendants of Britons, inheriting their wisdom, fortitude, and perseverance—it is their country you have invaded. Were it practicable, by a long continued course of success, to conquer it, the holding of it in subjection afterwards, would be utterly impossible. No benefit to be derived from that country to this, but by the good-will and pure affection of the inhabitants. This is not to be gained by force of arms. Their affection is only to be re-gained by reconciliation and justice.

Earl *Gower* [president of the council] said, he thought it his duty to rise and oppose the motion made by the noble earl, for several strong and important reasons. In the first place, it arraigned the conduct of the nation, and condemned in the most improper terms, the measures which had been sanctioned by the Parliament and people; and yet it was worded

worded in so vague and indistinct a manner, that it was impossible to know what set of measures it described, under the general charge of grievances; whether it meant as well those in which his lordship acted so conspicuous and distinguished a part, as these which followed or preceded them. [Lord Chatham. I mean to convey, under the words accumulated grievances, every thing which has passed in Parliament relative to America since the year 1763]. He remembered well the distinction made at the time by the noble earl and several of his friends, between internal and external taxation. He remembered, that the noble earl himself cherished the distinction, and argued upon it. He did not, however, mean to press the argument further, by way of personal application, as the noble earl had reprobated the whole system of measures pursued in regard of America, since the conclusion of the peace, in which his own conduct must of necessity be included. He observed, that the motion held out nothing new, and was nothing more than a repetition of what had come from the noble lord on former occasions, and to which his lordship alluded. Similar propositions had been made by two noble dukes, in their places, afterwards; and unless the House had since changed its sentiments, for which he could see no reason, it must continue to reject the present proposition, as well as all the preceding. For his part, he could not discover even a colourable pretext for their lordships altering their opinion; the same specific point still continued in issue. It was not, as has been represented by the noble earl, a paltry tax upon tea, a particular insult, a single act of violence or sedition, that was the true ground of the present dispute. It was not this tax, nor that act, nor a redress of a particular grievance; the great question in issue is, the supremacy of this country, and the subordinate dependence of America. It is not a single act of legislation the people of that country dispute with this; it is our claiming to bind them in any case whatever. But it has been much relied on, in debating this subject, that the "Americans are willing to submit to your laws of navigation. Let them tax themselves; you will thereby secure to this country great commercial advantages, and draw from them an actual revenue to a considerable amount, without the trouble of collecting it." But, my lords, the direct contrary is manifest. They deny your right to make laws for them, and of course deny the right of commercial control; it being in vain to talk of rights

which cannot be maintained but at the option of those who are to submit to their operation. That they have aimed at independence from the very commencement, is manifest from a hundred proofs. I shall mention but one, which is, that among all the petitions, declarations, or remonstrances they have presented or set forth, they have uniformly guarded their expressions; and have carefully avoided to bind themselves by any promise of submitting even to our commercial regulations for securing to this country the benefit of the act of navigation and trade laws. The greatest length they have ventured, is a promise to submit to the operation of such acts of our legislature as may be directed to matters of commercial regulation, till they have time to judge of their effects. This it is plain, reduces the concession just to nothing; because it totally excludes every substantial idea of right on one side, or submission on the other; of dependence and subordination to powers constitutionally created, and legally and justly exercised. His lordship adverted, in a ludicrous manner, to the change of sentiments in the noble earl and the other noble lords on the other side of the House, respecting the prophecies of a French war, and positive predictions of measures to be taken by France against this country. He observed what little attention was due to opinions so lightly taken up, and so suddenly deserted, without reason, in the first instance; and in all instances, he presumed, only to answer the temporary purposes of debate. He repeated, that the object of America was independency from the beginning: that the event proved it beyond question; and that nothing would so effectually tend to render the designs of our rebellious colonists successful, as agreeing to any motion which should directly, or in its consequences, lead to concede the supreme controlling power of this country, unless it were first acknowledged in principle, as well as submitted to in point of operation by America. The idea thrown out by the noble earl, respecting the conduct of France, was, he said, the most extraordinary, or rather the most extravagant, he ever heard, taking it in any one of the various lights in which his Lordship had brought it forward. The noble earl says, if we conquer America, we will conquer it for France. If France should join America against us, and get the better of us, America, though successful, will nevertheless be conquered, and become a province or dependency of France; and though we neither conquer or are conquered, still America will be lost to England,

land, and fall to our enemies and rivals. If I had no other objection to the present motion than the picture it would exhibit to foreign nations, of our pretended national imbecility, and the desperate situation of our affairs, that alone would be sufficient with me to give it a most hearty negative, as inviting our foreign foes to avail themselves of our weakness, distress, and divided councils, when they are told of views of impending ruin, arising from the unsuccessful, fatal hostilities of an unnatural civil war. When their lordships turn an impartial, retrospective eye to the conduct of rebellious subjects in America, the repeated provocations they gave, by disclaiming the legislative power of this country, and endeavouring to alienate the mind of his Majesty from his Parliament, and render the regal power independent of the other two estates of the realm, he trusted they would have much more powerful motives for rejecting the present motion, than such as might be founded in deductions drawn from the views, feelings, or political conduct of any foreign court whatever. His lordship denied that Lord Howe's commission had turned out ineffectual. In consequence of his proclamation, he contended, that great numbers had flocked to the British standard; numbers were daily coming in; and without doubt, there were a great many loyal persons in all the different parts of America, who only waited for an opportunity of claiming the protection of the British arms. In fact, the majority of the very rebels wished to shake off the yoke they so severely felt; they were heartily tired of their new masters, and having tasted the difference between British liberty and American tyranny, they would gladly return to their allegiance, in order to participate of those blessings enjoyed by the rest of the subjects of the British government. With regard to the present prospect of affairs, he assured their lordships, it was a very flattering one. The campaign already commenced, would probably end the dispute. Administration had spared no pains to enable the commissioners to shew their power to compel, if they failed in their endeavours to persuade, the colonies to return to their duty; and finished his speech by pointing out the impropriety of the motion on several grounds, and the improbability of its producing any one of the good effects, which the noble lord who moved it, seemed so confident in predicting.

The Duke of *Grafton* rose in reply, and spoke with great energy and precision. He congratulated the House, and the

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nation at large, on the return of the noble earl who made the motion, to his duty in Parliament. A dawn of joy broke in upon his mind, in finding that the spirit which was formerly wont to pervade every part of the kingdom, and had long slept, now revived, and shewed it was not entirely extinct; he meant that love of liberty, that admiration of the man, who had been its warmest advocate, and who had raised the power, dignity, and splendour of the nation to a pinnacle of fame and greatness unknown to any former or subsequent period in any quarter of the globe. He contemplated, with heart-felt pleasure, the revival of that spirit, which could collect so very respectable an appearance below the bar, of gentlemen of all parties, which could croud the avenues leading to the House, so as not to leave sufficient room for their lordships to come to their seats, unless with the utmost difficulty. He was doubly happy in being satisfied, from what had appeared, that the people still retained a grateful sense of the high obligations the nation owed the great man; and he was assured, that nothing could save this nation from certain destruction, but the calling the noble earl into a public situation, which might give his lordship an opportunity of acting once more the part of the saviour of his country! He controverted every argument made use of by the noble earl who spoke before him, relative to the ultimate object of American independency. He knew well whence those doctrines originated. Nothing was easier said. All the noble lord had to do was to broach them. He knew the noble lord's [supposed to mean Lord Mansfield] power and influence to be great; his abilities were acknowledged; yet, with all his power and abilities, he defied either him, or the noble earl who spoke last, to adduce a single substantial proof, to shew that America ever aimed at independence. He would not pretend to say what might be the particular sentiments of a few ambitious or rash individuals: but he put it on the fair ground of their public professions; upon their declarations contained in their petition to the King, which petition was presented by Governor Penn to Lord Dartmouth, who, by his Majesty's directions, laid it before that House; which, though full of the most warm and loyal sentiments of duty and respect, both for his Majesty and Parliament; though containing the sense of thirteen great and flourishing colonies, whose petition deserved some attention, was rejected with marks of indignity and contempt. He contended, that nothing but dire necessity compelled

pelled the colonies to take up arms. They never dreamt of independence, till the wicked, oppressive, and cruel measures adopted by administration, drove them to resistance, as the last resource; and to seek assistance from foreign powers. On the contrary, they had tried every means it was almost possible for human nature to devise; and endeavoured to excite the attention and protection of every branch of the legislature, by the strongest motives to compassion. His grace particularly relied on the petition from the Congress to the King (last mentioned), presented in 1775, as the fullest and most unequivocal proof of their duty, zeal, and affection for this country, and its government.

Lord *Gower* insisted, that the petition contained no specific acknowledgment, farther than what he had stated; a promise to submit to the operation of acts for restraining their commerce, pursuant to the general scheme of the act of navigation.

Here the Duke of *Grafton* moved to have the petition read, as entered on the Journals Nov. the 10th, 1775, when Mr. Penn was called to the bar to authenticate it. The petition, after some opposition, was read, and proved, in many passages, that Lord Gower had mistaken or misrepresented its contents.—His grace then proceeded. He observed that if any thing were wanting to corroborate the contents of the above paper, it was the examination of Mr. Penn, the day it was entered on their lordships' Journals. That gentleman, by birth an Englishman, unconnected with party, governor of the wealthiest and most populous province on the whole American continent, resident in the very city where the Congress, the framers of this petition, then actually deliberated and determined; acquainted personally with almost every single member of that Congress; thoroughly well informed of the state and disposition of the people under his government, and tolerably acquainted respecting the state and disposition of every other government on the British American continent: this gentleman, without any temptation or biass on his mind, but what might be supposed to operate against America, not in its favour; this gentleman came to their lordships' bar, and corroborated, nay, according to the interpretation of the noble earl who spoke last, went much farther, and contradicted, upon his oath, the most distant idea of any notions of independence whatever in the Congress. On the contrary, he affirmed from his own knowledge, that no such design was thought of or framed

framed within his own government, nor, by what he could learn, by any other, either in Congress, or elsewhere, with the general exception of a few factious, violent, rash, or ambitious individuals, the well known appendages of all civil commotions. His grace observed likewise on a part of that gentleman's evidence, which, unhappily for this country, was equally discredited and equally disbelieved by those who ought to have taken care to be better informed; which was the general unanimity of the people all over America, and their great strength and resources. The day that petition was dismissed without hearing and redress, the day that gentleman's evidence was disregarded, was, he said, the fatal commencement of our present impending misfortunes. Independence only existed in the brains and speeches of a few individuals here, who had the influence and art to make themselves believed and obeyed. When, therefore, the Congress and people of America found themselves neglected by their Sovereign, despised, maligned, and trampled on by Parliament, and unconditional submission, or independence, made the only alternative; in the midst of desperation, in the heat of resentment, from the necessity of their situation, from the most powerful of all motives, that of self-preservation, they at once disclaimed our government, and resolved to resist our oppressions, or perish in the attempt.———I laboured all I could at the time, to soften the rigour of administration; I entreated, I supplicated; I followed even that refusal with another supplication, to know the force we had to contend with, at least, to know the force we were ourselves able to send, or had sent, against the colonies. Failing in both supplications, and prevented by a very indifferent state of health, I was compelled to quit town before that most cruel and impolitic measure, the prohibitory act, was passed. If any thing remained undone, that measure finished the business. I do assure your lordships, that nothing but the pressing necessity of immediately coming to some sudden resolution which may lead to conciliation, could have induced me to trouble your lordships this day, particularly in my present state of health. My spirit is, I hope, active, and my inclinations warm, in the interests of my country, though they inhabit a very shattered, weakly constitution; but I do assure your lordships, as long as I have a leg to stand upon, I shall continue to come down, day after day, to this House, whenever an occasion, such as the present, offers, and supplicate, and entreat your lord-

lordships, as I do now, that you will agree to some measures of conciliation, which may deprecate that approaching destruction, which seems to await us on every side. His grace pronounced administration, timid, unskilful, and insincere. Their blunders, he said, were repeated; and their equivocal disingenuous conduct became every day more and more manifest; in fact, if he might be allowed to borrow a sportsman's phrase, they rather blinked the game, than pointed fairly to it. If called upon in Parliament for information, which every member in either House had a right to expect, they either gave no reply, or evaded the question. Even this day, they only talked of a successful campaign, and that was all the hopes they gave the public, in return for the very heavy taxes they paid, and the enormous expence the American war had already cost the nation: and the much greater expence it was likely to cause, should the present motion meet with the same fate of all the preceding ones, to the same effect. Before I sit down, I cannot help observing to your lordships how ripe the nation seems for destruction; if people may judge from what we hear in private companies, in current conversations, and in print. Publications of a very extraordinary and alarming nature, indeed, daily make their appearance; such, I will venture to affirm, as have not seen the light for forty years before. I do not chuse to descend to particulars. When doctrines subversive of the constitution, and condemning that celebrated æra which established it on its present footing, are promulged by persons, who from their situations are entrusted with the education of our noble youth, of children of family and fortune, it may produce very bad consequences; but when we go a step higher, and find a person, who from his offices and public stations is entrusted with the care and education of the immediate royal family; with the instruction of the very persons who, by their birth, and relation to the throne, may be called to reign over us, controverting the justice of the Revolution, or reprobating the principles which gave birth to it, your lordships will agree with me, that it is a most alarming circumstance; and will account why some persons were not thought fit for discharging a trust of so high and important a nature.

The Abp. of *York*. I confess, I did not at first conceive that the noble duke who now spoke, alluded to me, or to the late publication of the sermon preached by me before the Society for Propagating Christian Knowledge; nor should I

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still, had not I been assured of it by some of my brethren who sit by me. I am no orator, being but little accustomed to speak in public; but unable, ineloquent as I am, I trust I shall not be wanting in words to defend myself when wantonly, and I will add, unjustly attacked. The discourse alluded to, I acknowledge to be mine; and am ready to affirm and prove, that it contains nothing but the truth. I thought that no time could be more proper to defend the constitution, than when it was attacked by factious men and factious principles. I never said any thing against the Revolution. What I advanced was in defence of the constitution, which I am ready to support at any risk, and, as a proof, I appeal to my words. I maintained, in the publication the noble duke has adverted to, that a resistance against law was unjustifiable. I am ready to abide by it still, and that a government founded in law, is entitled to demand and exact obedience. I might well expect this kind of treatment from faction. I might surely look for calumnies and detraction, for daring to oppose such as would employ a good principle, in effecting purposes very different from those they venture to avow. The noble duke is a Whig, but I say he knows not what Whiggism is. I am ready to stand the test of any inquiry, either into my conduct or opinions; and to maintain them against every attempt which may be made to controvert or misrepresent them.

The Duke of *Grafton* said, he did not know how directly to take notice of what fell from the right rev. prelate, as it was disorderly to take notice of any thing personal in that House, relative to publications, or any expressions which passed at a former debate. However, as the most rev. prelate had owned the publication, and avowed himself to be the author, he looked upon himself at liberty to take notice of the publication itself, without any reference to the author as a member in his place. He said, perhaps, he might be ignorant of the true principles of Whiggism; but whether he was, or was not, he would accept the rev. prelate's offer, and prove that the publication contained several propositions, which, if true, were directly repugnant to the spirit and system of government recognized at the Revolution. Even according to his own explanation, a government of law included every species and kind of government whatever, both as to its frame and exercise.

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The Abp. of *York* replied with great warmth. He said, he was ready to face all consequences, to have his opinions inquired into, and to defend them. He called on his grace to make good his assertions: and assured him he was willing to meet him on the fair ground of argument, whenever the matter came to be considered in a debateable shape. He had advanced, he said, no new doctrine, and was much surprized, how the noble duke could have so glaringly misunderstood him; for he was ready to submit the doctrines laid down in his sermon to the most public and rigid inquiry and examination. The principles therein maintained, were agreeable to the sentiments of all ancient and modern writers on civil government; they were founded in the clearest principles of law and morality; and so far from arraigning the Revolution, they contained nothing but what had been asserted by the most zealous friends of the constitution; even by Algernoon Sidney himself. He was well satisfied, that his honesty and sincerity had created him many enemies; he would not, however, be frightened from his duty by any threats; nor would he sacrifice his opinion, nor submit to be dictated to by the proudest peer in the land.

The Duke of *Grafton* disclaimed any personal allusion: he considered the publication as utterly inconsistent with the doctrines on which our present establishment was built. He trusted very little to his own judgment in the matter; but referred the rev. prelate to the writings of Hoadley (Bishop of Winchester) Doctor Burnett, and some other eminent divines, who maintained doctrines of a very different complexion from those avowed by the right rev. prelate.

The altercation between the Duke of Grafton and the Abp. of York growing warm, the Bishop of *Peterborough* arose, and spoke to this effect:

My Lords, I hope I shall be permitted to recall your attention from this very painful subject to the order of the day. From the beginning of our unhappy contest with America to the present moment, reconciliation on the best and most effectual terms that it could be brought about, from time to time, has ever been the object which I have principally had in view; and notwithstanding all the injurious reflections which have been cast on those who have the misfortune to differ from the majority of your lordships, it has been to me a matter of serious concern, that seeing things in the light I have done, I have thought it my indispensable duty to dissent from some measures of administration,

tion, which, whatever might have been the intention of them, have certainly had the effect I apprehended they would have; that of removing all accommodation to such a distance that the bulk of the nation seemed to have lost sight of it.

One ray of hope for a while broke forth in the appointment of the noble lord and his brother, men not less respectable for their integrity and love of the constitution, than of approved conduct in the line of their profession; but so circumscribed were their powers by Parliament, that it is not to be wondered their declaration did not meet with all that confidence which their characters so justly deserve. I trust, however, it is not yet impossible to effect the good purposes of reconciliation, if your lordships will but be pleased to give a favourable reception to the motion of the noble earl, and thereby convince the colonies (hitherto they have had no means to be convinced of it) that Parliament is really disposed to attend to and redress their grievances. To induce your lordships to this, I beg leave to submit to your consideration, that the resentment which for some time past has actuated our councils, is not founded on the original subject of dispute; a new ground of contest was after a while held forth to the public, as if the claim of supremacy to the exercise of taxation was not of itself sufficient to justify a perseverance in this ruinous and fruitless war.

Many of your lordships were (I am persuaded) induced to concur in the first steps of an apparent hostility, by the repeated assurances given to this House, that our troops were to conquer without fighting, and, that far the greatest and most respectable part of the inhabitants of our colonies were favourable to the measures of government: nor was it till after these assurances were found erroneous, that our present calamities were imputed to one general concerted plan of independence; and yet it is this assertion, supported at best but by presumptive evidence against positive fact, and the most express declaration to the contrary, that is with many, the principal, with some, the only argument for perseverance.

The true cause why America is now in arms and united as one man, is owing to that unhappy determination to reject the petition of the Congress; by that fatal measure those turbulent spirits who all along wished for a total separation from the mother country, had the means they wanted

wanted given them to persuade the multitude that they had no alternative left but slavery or independence.

The evil was probably increased by those officious, ill-timed addresses; which, though they meant indeed very little, said a great deal too much; under the specious pretence of a zealous concern for the dignity of the Crown and the unity of the British empire, they helped to degrade the one by dismembering the other. Their effect abroad was in the mean time to make it believed, that the people of this island entertained a spirit of implacable resentment, and were averse to reconciliation on any terms short of unconditional submission. It was this persuasion which alienated the few remaining friends of government, men of peaceable dispositions, who respected the constitution, and still loved the stock from whence they sprung; men of this description are now in arms hazarding all the evils of war, and liable, if conquered, to all the penalties of rebellion. Such, my lords, I take to be the true causes of that fierce contest which is now carrying on for dominion and independence.

If we consider how it is carried on, the slightest view will shew us, such various articles of enormous expence, so many means of imposition on the public, and such uncertainty that what is paid for here again and again, may never reach the place of its destination, that was I to enumerate them, I should be at a loss where to begin, and having begun, be still more at a loss where to end.

There is not all that uncertainty in foretelling the probable consequences: and that I may not be charged with arguing on uncertain premises, I am willing to admit what I by no means believe to be true, that the assurances given by the neighbouring powers are to be depended upon. I cannot however help observing, that was it becoming me to trespass so far upon your lordships indulgence, here is an ample field to lament the unhappy state of this country, which but a few years ago (under the auspices of a noble earl, whom I rejoice to see again in this House) was the conqueror of France in every quarter of the world, and is now reduced to a mean precarious dependence on the good will and forbearance of her natural rival, for the peace and security of the next hour.

I will confine my view to America, and there experience must surely have convinced us, that it is not a single battle, or campaign, that, as among the effeminate inhabitants of Asia, is to decide the fate of the western world: the van-

quished must fly, but they will rally again, and while the love of liberty remains, there will be some sparks of courage, ever ready to take fire on the slightest occasion. The cities must be burnt, and the country laid waste; many a brave man is yet to perish in the prison or the field, ere the miserable remnant is brought to an absolute submission, and when that is done, what are the advantages we have to expect?

There is not surely any man so childishly sanguine, as to suppose we shall grow rich at once, by having cut up the gradual sources of our wealth: many years must pass ere America is in a condition to remit a revenue to this country, and should she so far recover from her present calamities as to be able to do it, I cannot think that any minister past, present, or to come, will ever dare again to demand it. Not only for the reason assigned by the noble lord, a general disinclination in the colonies, but from various other causes, we may conclude that the substance of taxation is gone for ever; nor is it probable that America will henceforth ever long sit quiet under the shadow of it.—The same means that are employed to subdue the colonies, are necessary to keep them in subjection, they will surely struggle after they are conquered, and recoil lik a spring, whenever the force is removed that compressed it.

Such, my lords, must be the consequences, if the noble earl's motion is rejected, and the sword alone is to decide the contest.

When loyalty to the King, when respect for the laws, and love of the constitution is gone, there is no security for obedience, but in a military force, and who is there in this House that has any loyalty to the King, any respect for the laws, or any love for the constitution, who would wish to see that mode of government prevail over so great a part of the British empire?

Lord *Lyttelton* directed his attention first to the motion and the noble lord who made it. He acknowledged the eminent services which his lordship had performed for his country; and said, whatever notice the motion itself was deserving of, the moderate and respectful terms in which it was conveyed, and the remarkable propriety and decorum, in which the arguments in support of it were urged, called for candour and moderation on his part. He seemed much surprized at the timid, despondent tone affected by the *noble earl*, in relation to the conduct and ultimate views of

of foreign powers, whose fire, spirit and zeal for the honour and dignity of his country, had carried terror and conquest among the surrounding nations. He asked his lordship, whether he could reconcile it to his former conduct, to hold terrors out from the resistance we might meet in pursuing and asserting our undoubted rights, either from America or elsewhere? He remembered the time, when the noble lord held a different language, when he inspired himself, then very young, and the nation at large, with the most exalted and heroic ideas; when he called upon the people to assert their honour, and do themselves justice, though every power in Europe should combine against them. His lordship next turned to the state of America; the anarchy that at present prevails there; the acts of violence, treachery, cruelty, and injustice, that are daily committed in that country, by our rebellious subjects upon their loyal and dutiful brethren, merely because they would not join in their diabolical schemes of overthrowing all just and legal government. The laws trampled upon, the course of justice interrupted or annihilated, government dissolved, magistrates imprisoned or banished, the faithful and obedient part of the people oppressed, despoiled of their property, suffering in dungeons, or obliged to fly their native land. He observed, that to all the horrors of war, the rebels had added the brutality of savages and the treachery of cowards. These were the persons—and this was the cause, some of their lordships thought fit to espouse and defend. His lordship reminded his opponents of their predictions concerning the conduct of France, and their repeated assertions that America had never any thoughts of independence. Experience had verified the language of administration on both those points. The noble lord who made the motion laughed at the absurdity of such an idea, as any interference on the part of France; and the Congress having long since declared the united Colonies independent states. The other noble lords, on the same side, denied the least probability of any such event, and pledged themselves, if it should ever happen, that they would be the first and most zealous in endeavouring to compel them to a return of their duty. The event has actually taken place, and what is their conduct? Instead of recommending vigorous measures; instead of supporting spirited and decisive exertions of our whole strength, we are told that France does not mean to interfere; but lest she should, it is now proposed to open a treaty with declared and open

rebels. Our rights are to be abandoned or conceded, lest France should go to war when our strength and resources are weakened and exhausted. This is surely strange language, and equally pusillanimous, as unworthy the attention of this House. France, I am satisfied from my own knowledge, is neither able or willing to go to war; and though she were, I trust we are prepared to meet any foreign enemy whatever. Let us turn our eyes to the state of our respective finances, and we may be enabled to judge, in some measure, of the respective abilities of both countries. Let us reflect on the ease and expedition with which five millions were borrowed in a nation said to be verging towards ruin. I will venture to say, that a similar offer would not produce the tenth part of the sum in France. Does this accord with the lamentable picture drawn by the noble duke, and the terrors suspended over our heads by the right rev. prelate? Merchants, and men in trade, however friendly to government, seldom trust their property to precarious prospects of repayment. In those transactions they pay a constant attention to two objects, advantages and security. They are of all men the most cautious of disposing, or trusting their money out of their hands, and know best to lay it out where it promises profit, properly secured. This unbounded credit is seldom a forerunner of a bankrupt government, or empty exchequer. His lordship next answered that part of the noble duke's argument in respect of the petition from the Congress, and the evidence given by Mr. Penn. He insisted that the former was the effect of mere hypocrisy, and the latter to his own knowledge far from being supported by truth. But supposing the former was serious, what did it import? an appeal from the Parliament to his Majesty, and an endeavour to detach him from his Parliament by an abuse of his ministers As a proof that the Congress never meant to submit to the supremacy of Parliament, at the very time they sent the petition alluded to, they made the most daring and inflammatory appeal to the whole Irish nation, and invited them to make a common cause with them, in resisting the legislative controuling power of the British Parliament over all the dominions of the British Crown. His lordship imputed the present state of public affairs to the backwardness and mistaken lenity of ministers in the early stages of the contest. He reminded their lordships of the part he took, and how frequently he pressed administration on the subject. He was confident, if vigorous measures had been adopted

adopted earlier, that the rebellious colonies would now be in a state of peace and obedience; and repeated, he said, what he had frequently said before, that lenity by its consequences caused often greater acts of cruelty, than those which were at the time desisted from on account of their harshness. His lordship spoke of the severe usage Colonel Campbell had suffered in an American dungeon, which led him again to repeat his charge of cruelty and timidity. He allowed, that a trade was carried on by the rebels to some ports in France, but denied that it received any countenance or protection from that court. They were private transactions, he said, which it would be difficult to prevent; and which had no origin but the spirit of mercantile adventure, and motives of profit. His lordship took great pains to shew that the measures of government were popular; and to point out the abilities of the minister, who had so judicially planned taxes that would scarcely be felt, and yet would be so very productive. He spoke of the country gentlemen, as supporting the present war almost unanimously; passed great encomiums on their consequence and integrity, and affirmed, that while measures were thus strongly supported and approved of, both within and without doors, by such decisive and respectable majorities, we had every reason not only to expect an happy issue to the present rebellion, but that if we should be interrupted by any power whatever, that we were both able to defend ourselves, and make our enemies repent of their rashness. He observed, on what fell from the noble earl who spoke second in the debate [Earl Gower] relative to the loyal and dutiful disposition of great numbers of people in America, where they were free to declare their sentiments, and not under the tyranny and despotism arising from anarchy and military government; he was certain that it was so, and he had himself lately received a letter to that purpose from a person on the spot; and many others of a like tenor, giving an account of the great numbers who came in under the proclamation, in order to claim the protection of the British government, or to offer their services in assisting to extinguish rebellion.

The Duke of *Manchester* opened his speech, with observing on a passage in that of the noble earl who spoke second [Earl Gower] what passed in a message between General Howe and General Washington, to prove that independence alone was the grand object of the American rebellion; and that the treaty broke up merely because at the first preliminary

Mr. Washington and the Congress refused to treat, unless the united colonies should be considered as independent states. His grace insisted that this circumstance proved nothing; the Congress were well aware that the commissioners had no powers, but they were willing to try whether, though they were armed with no parliamentary powers, they might not be charged with private instructions. When the persons entrusted with the affair discovered the commissioners had neither powers nor instructions, and no terms, but those of unconditional submission to offer, they treated all propositions of that nature with indignation, and retained their ostensible sentiments and resolutions as a matter of necessity. He censured the conduct of administration, for holding out the idea of a commission, and afterwards holding it back, till America had taken the decided part she did; and observed, with concern, that France had acquired very singular advantages in trade and navigation, since the commencement of the present civil war, and would continue to reap many more as long as it should last. He pursued the ideas of the right rev. prelate who spoke on the same side, by proving, that in proportion as we grew weak or exhausted, from a waste of blood and treasure, France would recruit in every source, which might enable her to carry on a most vigorous war. He observed, that the noble lord who spoke last, had treated the commercial communication now carrying on between France and the British colonies, as a mere desultory underhand trade, prosecuted by a few inconsiderable enterprizing individuals. He denied that to be the fact: he had the best and most indubitable authority to assure their lordships (and if called upon, was willing to prove it) that it was a regular, open, and extensive commerce, daily increasing. He had a list in his possession of several of the ships, the nature and value of the cargoes, the naval and military stores, with several other circumstances of a similar and corroborative nature. It was no trade carried on by connivance, in the dark, or in a corner, but in open day. If that was the case, he appealed to their lordships, if there was one of them who, satisfied of the facts, did not think such a commerce, such a barter of commodities, in which a supply of military stores was included, was not treating the colonies as an independent power, in the *first instance*; and was it not a breach of neutrality in the *next, allowing* the independency of America to be a fact

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not disputable? His grace attributed, as well as the noble duke and rev. prelate, the declaration of independency to have arose chiefly from the contempt and neglect with which their petition to the King had been treated by Parliament; from repeated refusals of redress in any form, or through any channel; and to the inflammatory addresses presented to the throne, previous to the session of Parliament in 1775. His grace pressed the propriety of the motion on several grounds; and predicted the happiest effects, should it be agreed to. It was not pretended that the present campaign would be decisive: indeed the contrary was already acknowledged. Taking the motion in that light, as neither prolonging the war, nor defeating the objects of the campaign, he begged leave to assure their lordships, that an account of the success of this motion reaching America, would more effectually tend to stop the further effusion of blood, and to an attainment of what we were entitled to demand, or ought to wish to obtain, than any advantages we could possibly derive from the most successful exertion of our arms. The noble earl who made the motion, had, he said, on former occasions, of singular difficulty and importance, shewn his ability to save his country, by an equal proof of vigour, where the cause required action and wisdom, where it depended more upon deliberation and management; his years, his character, deserved respect; his motion was itself a proof of his wisdom, and, he hoped, their lordships would adopt it, as it promised an happy relief in the hour of danger, a fortunate resource in the present distressed situation of affairs.

Lord *Camden*. It is with pleasure I rise to bear testimony how much I approve of the motion made this day by my noble friend, and to express my sense of the very singular obligations this country owes him, particularly on this occasion, when, setting every impediment at a distance, he offers his assistance in rescuing us from the ruin with which this country is surrounded. Before I speak to the immediate objects of the motion, I shall say a few words on the subject to which it relates. The noble lords on the other side, deny that Britain was the aggressor in this quarrel; and assert, that America always aimed at independency. I shall prove, I trust, before I sit down, that both assertions are equally false; I shall prove that we were the aggressors; and, consequently, that the charge of independency can be

only supported upon what they intended to have done at some future period, and not upon what has actually happened; the aggressor in all contests being chargeable with the consequences. I shall not renew the controversy so often discussed within these walls, relative to taxation. You passed a law for laying a tax upon tea; but you could not collect it, because neither importer, nor vender, nor consumer, could be found. You passed another law, which ministers flattered themselves would force the tax into operation. You gave the East-India Company a draw-back on their teas exported to America. The teas were sent to America, particularly to Boston, where a large quantity was destroyed. What did we do? Without demanding reparation, without inquiry, without hearing the party accused, nay, even without proof of the fact, you condemned the people of Boston: you shut up their port; you annihilated private property; you reduced thousands of innocent people to beggary. You did not stop here; you resolved to punish the whole province as well as the town. You deprived them of their charter; and, to fill the measure of the oppressions with which you were resolved to afflict them, you deprived them of the benefit of the trial by jury, either as a terror to the guilty, or a protection to the innocent. What were your preparations, in order to secure the execution of those oppressive and cruel measures? The language of administration was, that a file of musqueteers would march from one end of America to the other without molestation; that the acts were so wisely and judiciously planned that they would execute themselves: lest, however, they might not execute themselves, General Gage was sent out to command a force consisting of four regiments, which were fully adequate, it was said, to the purpose; that was what was emphatically stiled, on the passing of the first of those bills, by a noble earl I now see in his place [Earl Mansfield], passing the Rubicon.—Neither the file of musqueteers, nor the four regiments, however, answered what was promised from them. Twelve months having nearly passed, General Gage, from the weakness of his little army, was obliged to remain inactive, and beheld the provincials making daily preparations before his face, for a vigorous resistance. Early in the next year we declared those people to be in rebellion; we *prohibited* them from trading with each other; we deprived *them of their* fishery; and a noble lord in the other House

pledged

pledged himself to that House, that with an army of 10,000 men, which would reach America early in the summer, the conquest of that country would be certain. The troops arrived, the 10,000 men proceeded to hostilities; and if they were not defeated in the field, we know that America was not conquered, but that the royal army suffered in battle, and mouldered away in such a manner, that they were streightened and besieged in their quarters for full eight months, and escaped with difficulty aboard their ships and vessels of war. Well, the next session arrived; ministers owned they were deceived in the accounts they received of the disposition of the people of America; the most decisive measures were to be adopted. The same noble lord, for the third time, grew confident; the full force of this country was to be exerted; 70,000 men and a hundred ships of war were to be employed; foreign mercenary veterans were to supply the place of raw levies; the sword was to be borne in one hand, and the olive-branch in the other. A commission was announced from the throne to hold out the alternative. What has been the effect of all this? From the same authority we are told, we must prepare for another campaign; the decisive measures, and full exertions, have produced nothing material. The repeated predictions, relative to conquest and subjugation, have failed. What part of America is your own? Just as much as you occupy, or as you can command with the mouths of your cannon. His lordship next proceeded to shew in what an unbecoming manner administration had behaved in respect to the commission, and the powers granted by that act, called the prohibitory act, which he declared to be the epitome of every thing cruel and oppressive; and what, with the employing foreign mercenaries to cut their throats, ultimately determined the Americans to declare themselves independent. He declared, in his conscience, that those were the acts, and those only, which forced the colonies to take up arms in the first instance; and to justify their resistance, by throwing off the yoke of oppression and despotism. His lordship next turned to the ruinous state of our trade. By those acts, particularly by the fishery and capture acts, you drove the people employed in commerce to desperation: their wants and resentments united in urging them to the resolution of making a naval war upon you. What has been the consequence? The seas are covered with their pri-

vateers,

vateers; the French ports are full of them; they come to the very mouth of your river and insult you. If your commerce languishes, if your trade decays, where will you find the means of carrying on a war? While your ships are rotting in your harbours, while your merchants are unable to pay the insurance, the French become your carriers, and the former are left to lament their deplorable and distressful situation. This at once puts an end to the act of navigation, and defeats every benefit it was intended to secure. But extending our views a little further, what other fatal consequences do we behold produced by this unnatural war? The ruin of the West-India islands; the loss of their produce; and the very considerable bankruptcies which it has occasioned. The proprietors of the estates and plantations in those islands, from a state of affluence, are driven to poverty and despair. I am well informed that no less than two hundred families who resided here upon ample incomes, drawn from thence, have been obliged to return thither, being no longer able to maintain themselves in this country. These are melancholy considerations, my lords; and should be very powerful motives with you for agreeing with the present motion. The two noble lords who have spoken on the other side, have positively denied that France has taken, or means to take, a part in the present dispute. I do contend they do this minute take a part, and that they have continued to do so from the beginning. I would desire your lordships to recollect what was mentioned by the noble duke in the blue ribbon, and myself, in the year 1775, relative to the two French gentlemen who went to Washington, then lying before Boston, and who were by him sent to the Congress, where they remained several months. The story was then treated by the noble lords in administration in a ludicrous manner; yet this, I believe, was the beginning of what may hereafter produce very serious consequences. I sincerely believe the first overtures came from France; and that those gentlemen were the bearers of the message. Every thing which has since happened confirms me in that opinion. It is plain, that the first notice the ministers received of it was in this House; astonished at the information, I remember, they said it was nothing but a visit of mere idle curiosity. Let us compare the sequel. In the course of the ensuing summer, Mr. Deane comes to Paris, and the Christmas following was followed by Doctor Franklin.

lin. What has been their reception? They frequently appear at Versailles, affront Lord Stormont in the anti-chamber, and are admitted to conferences with the French King's ministers. He then assured their lordships, that he had the strongest reason to believe that America was both supported and abetted in her resistance, and that ships of war were fitting out in several ports of France, under American colours, to infest the channel, and annoy our trade. On the principle of Great Britain's being the aggressor, he grounded the propriety of her being the first to shew a disposition of making peace with the injured Americans. He contended, that nothing of that sort had yet been done, and that the commission given to Lord and Sir William Howe, for granting pardons to the Americans, so far from deserving to be considered as containing power of pacification (as its title imported), must necessarily be ineffectual to such a purpose; it was indeed an insult on their understanding; for a herald with a trumpet would have done just as much as commissioners going forth with such incompetent authority. It was so considered by the Congress; and that it would be so, was foreseen by many. Now, he contended, was the moment, perhaps the latest moment, of making peace, and of recovering (in any good degree) what was lost. Were this business delayed but for a few weeks, America and France might be in alliance; our commerce with the former of these countries would then be irretrievably gone from us; and in the moment of our being apprized of that evil, another would arise with it, the necessity of a war with France, for the recovery (however hopeless might be the endeavour) of our lost possessions and commerce. But a French war may not come from that quarter only; so long as the contest with America is continued, it must be constantly dreaded by us.———Here he enlarged on the warlike preparations of the ancient and inveterate enemy of this country.——War may proceed from some sudden and unexpected causes, while each party have so many ships. The continuance of the war threatened nothing less than destruction to the British commerce, which in every sea was vexed, tormented, torn by the captures made upon it by Americans, by French and Spaniards, and all whom the hopes of booty could allure to prey on it, under Congress commissions. What effect had already been perceived from the captures made, he shewed, from the high freight and insurance on

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all British shipping, and from the number of French vessels (26) now in the river Thames, which were receiving British merchandize for foreign markets, on account of the greater cheapness of such conveyance. He said, that in the beginning of this war, our trade had been considered as an object only of secondary consideration, and indeed as deserving no regard, when brought in competition with the high and incontrolable supremacy of British legislature. That on this account, the petition of the West India merchants was not suffered to be brought into question, till the deliberations concerning that high political dignity were closed; but was thrown into a corner, to be taken afterwards into the consideration of a committee, lest an earlier attention to it might have interfered with, and too much debased, the resolutions of Parliament on that great sublime mystery. His lordship exposed the pride and folly of that proceeding; and said, he was sorry, in a British senate, he found it necessary to enter into an explanation of the nature, use, and importance of trade to this country. He said that trade was its vital blood, diffusing itself, and running through all its parts, animating and filling all with life and vigour. In respect of American trade, he recalled the attention of the House to what this country was before that trade was known in it, what it had grown to be while that trade flourished, and what we were likely to become, when it was gone from us. He treated the notion of conquest, and of success by force of arms, as utterly ridiculous, and the final and irreparable loss of America, as the inevitable consequence of a continuance of the war.

Lord *Weymouth* objected to the motion, as inadequate to the purpose it was declared calculated to effect, and ill-timed, because it could not at present be of any service, even if it was adopted by their lordships. He denied the last speaker's assertion, relative to Mr. Deane and Dr. Franklin being frequently in the anti-chamber at Versailles, and affronting Lord Stormont; so far from this being the fact, the viscount declared that Lord Stormont never met them there; and although he could not pretend to assert that they had never seen the minister of France, he was well aware that they had not received any public countenance from him, or any other part of the French cabinet. With regard to what had been said of the French having sent out stores, &c. to America, it was very true that the private merchants had taken advantage of the quarrel, as in all

such

such cases was customary, and they had shipped an inconsiderable quantity of stores, &c. in different bottoms, many of which our frigates and armed vessels had taken; but that the French government were not answerable for such conduct. His lordship further observed, that the motion held out nothing specific. It was for an address to his Majesty—to do what? The noble earl, he presumed, did not mean to enter into specific terms for relinquishing the rights of Parliament. An act of Parliament had already appointed a commission; commissioners were now acting by the virtue of that commission. This address was not, he hoped, intended to cause his Majesty to supersede that commission, or supersede the provisions of an act of Parliament, contrary to law. Such a thing was totally impracticable. What good purpose, therefore, the present motion could answer, or what purpose at all it could answer, was more than he could perceive, however well intended. In its present shape, he could not consequently speak to it, till the objections, to the attainments of which it was ultimately directed, were first pointed out.

Earl of *Chatham*. I perceive the noble lord neither apprehends my meaning, nor the explanation given by me to the noble earl in the blue ribbon, who spoke early in the debate. I will, therefore, with your lordships' permission, state shortly what I meant. My lords, my motion was stated generally, that I might leave the question at large to be amended by your lordships. I did not dare to point out the specific means. I drew the motion up to the best of my poor abilities; but I intended it only as the herald of conciliation, as the harbinger of peace to our afflicted colonies. But as the noble lord seems to wish for something more specific on the subject, and through that medium to seek my particular sentiments, I will tell your lordships very fairly what I wish for. I wish for a repeal of every oppressive act which your lordships have passed since 1763. I would put our brethren in America precisely on the same footing they stood at that period. I would expect, that being left at liberty to tax themselves, and dispose of their own property, they would in return contribute to the common burthens, according to their means and abilities. I will move your lordships a bill of repeal, as the only means left to arrest that approaching destruction which threatens to overwhelm us. My lords, I shall no doubt hear it objected, Why should we submit or concede? Has

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America done any thing, on her part, to induce us to agree to so large a ground of concession? I will tell you, my lords, why I think you should. You have been the aggressors from the beginning. I shall not trouble your lordships with the particulars; they have been stated and enforced by the noble and learned lord who spoke last but one, in a much more able and distinct manner than I could pretend to state them. If then we are the aggressors, it is your lordships' business to make the first overture. I say again, this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, my lords, that instead of exacting unconditional submission from the colonies, we should grant them unconditional redress. We have injured them; we have endeavoured to enslave and oppress them. Upon this clear ground, my lords, instead of chastisement, they are entitled to redress. A repeal of those laws of which they complain, will be the first step to that redress. The people of America look upon Parliament as the authors of their miseries; their affections are estranged from their Sovereign. Let then reparation come from the hands which inflicted the injuries; let conciliation succeed chastisement; and I do maintain, that Parliament will again recover its authority; that his Majesty will be once more enthroned in the hearts of his American subjects; and that your lordships, as contributing to so great, glorious, salutary, and benignant a work, will receive the prayers and benedictions of every part of the British empire.

Lord *Weymouth* replied to the noble earl, by observing that he was much obliged to him for his explanation; but that every thing offered by his lordship, being founded on a supposition that Great Britain was the aggressor, and that not appearing to him to be the case, every argument built on such a supposition, consequently fell to the ground. For his part, so far from this country being the aggressor, he was of opinion that we procrastinated measures of force too long, in hopes matters might be amicably adjusted without an appeal to arms. He denied, that if the present motion was rejected, it would preclude all future hopes of conciliation. The contrary was much the more probable supposition; and though it were otherwise, it was impossible to prevent the evils meant to be deprecated by this or any resolution

lution taken at this late season of the year, as the campaign would be begun, and the operations commenced before any account of the present motion could reach America. His lordship controverted, or directly denied the truth of several of the facts stated in the course of the debate. He was certain that neither Deane nor Franklin were invited to the French court, nor were admitted to the antichamber at Versailles, or to confront, or affront, the British minister there. He said, that they might have had interviews with some of the French ministry, but he was well authorized to confirm what had been advanced by the noble earl and noble lord, who spoke on the same side, that France at no time stood on a more friendly footing with this court than at present.

Lord *Wycombe* [Earl of Shelburne], asserted, that the doctrines held out in the sermon alluded to by the Dukes of Grafton and Manchester, were highly dangerous and reprehensible. He quoted parts of the discourse, and dared any prelate to avow such doctrine in that House. His lordship then took an extensive field of argument, and spoke relative to the state of France, the power of her navy, her connection with the Congress, and her intention at a proper opportunity to attack us. He denied in the most positive terms her being ingenuous in her professions of friendship.—Have you, said his lordship, insisted on Dr. Franklin and the other American deputies being sent from France?—What answer have you received? Have you required the French ministers to shut their ports against the Americans as Portugal has done? Have you explicitly demanded, that all American privateers should be removed from the French ports, and not be permitted to revisit them, either with or without their prizes?—What answers have you received? Does France prevent her officers from serving in the American army? Has she not at this time nineteen ships of the line completely fitted and lying at Brest, and 2000 seamen taken out of her Newfoundland vessels ready to man four more? Has she not six ships of the line fitted and ready for sea at Toulon, and several ships and 6000 troops at Hispaniola? Has not Spain a very capital fleet and army, completely manned and collected in Europe? Besides, has she not a considerable naval and land force in the West Indies? Will any noble lord rise, and tell me these things are not so; and will the noble lord at the head of the admiralty (notwithstanding his great promises at the beginning of the session)

session) now venture to inform your lordships, that on a sudden emergency he could command more than ten ships of the line? My lords, I will save the noble lord the trouble of answering this question, by telling him he could not. [Lord Sandwich silently acquiesced in this extraordinary declaration.] He said, every pretext of the ships which carried stores to America, being the adventures of private merchants, was fallacious; the private merchants of France were men of too little consideration to carry on such a trade; that 5000l. sterling was more than any French merchant could raise, that there was no comparison to be made between the French and the English merchants, that the first were as petty, as poor, and as insignificant as the second were wealthy and respectable. His lordship declared, that having much leisure time, he had lately read a book entitled Political Papers, which treated of the public transactions in 1721; that in it he met with a passage which struck him much; Cardinal Alberoni, the writer of one of the letters, talking to his correspondent on the subject of a war with Spain, said, "As long as you can keep the Spanish forces in Sicily, so long will you be safe from any attack from Spain." This, added his lordship, exactly suits the present times: France will let us convey all our men, and all our millions across the Atlantic, but will she suffer us to bring any of the former back again quietly? His lordship denied that the Americans had all along aimed at independency; he said the book which had been published under the title of Letters from the Marquis de Montcalm, in which that officer appeared to have sent word to Old France many years ago, that he discovered a spirit of independence in the people of New England, and that if the English did not take effectual care to curb and check it, it would one day burst forth to the cost of the mother country, had been discovered to be a forgery, and that the marquis had never hinted such an idea. That the fact was, the Americans were exceedingly unwilling to declare themselves independent, nor did they adopt that measure till the severities of our acts of Parliament drove them to it; that we had step by step forced them to take up arms and declare war; that after having so done, what could be expected but that they should defend themselves as well as they were able? He declared that General Washington was at the head of a large army, and that after having spent three campaigns to so little purpose, after having suffered our brigades to lose their

vigour,

vigour, and to be so reduced that they were hardly fit for service, was it likely that we should be more successful this year than the last? His lordship charged administration with holding out false lights to the people; he said the American secretary had declared, that there was so much difficulty in procuring men for the rebel army, that they were obliged to pay 30l. a man; that indeed he had afterwards owned his mistake, and said he meant 30 dollars; as he was no financier his mistake was pardonable, for surely it would be no greater fault in him not to know the difference between dollars and pounds, than it was for the great financier to mistake currency for sterling. Here his lordship took occasion to complain of the carelessness of the treasury-board, in the making their contracts, and particularly mentioned that for rum, so severely handled in the House of Commons; he said he never heard so contemptible a defence as had been made for that business; but that the whole conduct of administration was of a piece; they scandalously submitted to the most public insults from the French, both in Europe and in the West Indies; they were pitifully mean and pusillanimous towards the natural enemy of this kingdom, and barbarous, unjust and tyrannical towards their brethren and fellow subjects.

His lordship answered Lord Gower and Lord Lyttelton, on the ground of an independent majority having supported the measures of administration for the last ten years; he said such assertions tended to deceive and mislead. That a majority within doors, and a majority without, were two matters essentially distinct. That no man more heartily revered the real, disinterested country gentlemen than he did. That early in life he had been taught to value and to esteem them; and that if he might quote the saying of a very able and respectable friend then near him, it would, he doubted not, convince their lordships of the veracity of his assertion. His noble friend, many years since told him, "That he was better pleased with hearing a sensible and independent country gentleman talk for ten minutes, than with the finest speech that ever was uttered by an attorney-general." "But," continued his lordship, "there is a line to be drawn; every country gentleman is not independent; there are modes of corruption which have found their way even to the landholder, and he that has a vote is not always honest enough to avoid temptation." Taking the matter up, however, in the point of view in which the noble lords have placed it, is

not the great support of the British nation commerce? if the streams of commerce are stopped, will not all ranks, and men of all occupations, feel the consequence? the tradesman, the shopkeeper, the mechanic, the manufacturer and the merchant, will not be the only sufferers, the country gentleman will find his land sink in value, in proportion as the country is drained of its wealth, and the means of increasing it are lost: the counry gentleman, therefore, forsakes his interest, and suffers himself to be made the instrument of his own destruction, in supporting measures which evidently tend to promote the destruction of commerce. His lordship concluded with highly commending the motion, thanking the noble earl for having made it, declaring his hearty concurrence with it, and recommending it to their lordships as a motion which merited the support of the whole House.

The Abp. of *York* rose in reply. He said, he was proud to find himself of so much consequence. He did not mean to speak to the question; but as he was up, he should say a word or two. He said, the passage in the sermon, alluded to by the noble lord, would serve and answer his purpose. He always thought that America aimed at independence; at least they disclaimed any dependence upon the British Parliament; that their appeals to the King, in his mere regal capacity, as distinct from his Parliament, plainly pointed that out; and that the doctrines maintained in support of chartered rights, uncontrolable by Parliament, by which means a king may discharge any number of his subjects he pleases from the allegiance due to the other two branches of the legislature, was contrary to the fundamental principles of the constitution. He said, if he had described or pointed at any faction which did not exist in the state, he was content to bear the obloquy; or had maintained any doctrines that would not bear the test, he was ready to abide that degree of censure the offence merited. He trusted he had not. He did not suppose Opposition would be willing to father all the doctrines imputed to the faction therein described: but as to the main ground for his reasons against the present motion, as well as those urged in the discourse, and on which he was well warranted in fixing a public stigma, they were to be found in the public protests and papers recorded in that House. He said, his way of life and mode of conducting himself, did not permit him to mix much with the world. He did not pretend to much knowledge of politics, but

but what he had learned from books. The publication so severely censured, contained his sentiments. He might be mistaken, but he was nevertheless sincere. He was naturally inclined to live quietly, and on a friendly footing with all mankind; but there were insults of such a nature, as not to be borne; nor would he bear to be insulted by even the proudest lord in that House.

Lord *Shelburne* observed in reply, that the right rev. prelate had promulged those doctrines in a place where they could not be answered at the time; which, among other reasons, was a very good one for abstaining from using the pulpit as a medium for conveying party or factious doctrines. He, on the other hand, had controverted them in the face of the whole nation, where, if he erred or misrepresented, the right rev. prelate had every opportunity of confuting him, and defending his assertions. His lordship then put him in mind of his want of good manners; observed, that in his sermon, the word *liberty* had stuck in his throat, being too hard for digestion; and added, that the greatest act of magnanimity in his Majesty, was the removal from the tuition of his son, a man who would not suffer the word *liberty* to be pronounced without a qualification *.—[Here a cry of Order! Order!]

Lord

* "It is the usual artifice of faction, to look for something colourable, by which the ignorant and unwary may be deceived; and this is commonly affected by the adoption of a false, or the misapplication of a true, principle.

"What is assumed upon the present occasion, is the glorious nature of liberty. Of this there can be no question; and I hope that no times will be so wretchedly debased, as to make it a question in this free country. It is certainly the first and most valuable of all human possessions. It realizes and secures all the rest, and, by those who are in the enjoyment of it, ought to be maintained at all hazards. But it remains to be settled; wherein does it consist? I have sometimes thought it a misfortune, that a thing so valuable and important, should have no word in our language to express it, except one, which goes to every thing that is wild and lawless.

"If, therefore, we would avoid abusing our understanding with the ideas of savage liberty, which have no place in regulated society, we should use it with an addition, such as *legal*, or *civil* liberty. It seems to consist in a freedom from all restraints, except such as established law imposes, for the good of the community,

Lord *Mansfield*, by suddenly rising to speak, put a stop to all further altercation, but said nothing new upon the subject. He maintained his former opinions, respecting the American views of independency; but relied more upon what was urged in Montcalm's Letters, which, he insisted, were

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to which the partial good of each individual is obliged to give place.

"As there are, in the nature of things, but two sorts of government; that of law, and that of force; it wants no argument to prove, that under the last, freedom cannot subsist. If it subsists, therefore, it must be under law; and of necessity, that law must be supreme; for if it is not supreme, its power must be abridged by its enemy, force. The foundation, therefore, of legal freedom, is the supremacy of law. It has been acknowledged as such by all commonwealths, from the beginning of the world, as the only power which can protect our rights from their natural adversaries, despotism and anarchy. These indeed have usually gone together; for no anarchy ever prevailed, which did not end in despotism.

"The passions of men are restless and enterprising, the occasions which time may present to them are innumerable, and the possible situation of things much more various, than any wisdom can foresee. But the supremacy of law is a steady and uniform rule, to which those who mean well, may in all circumstances safely adhere.

"To those indeed who mean delinquency, it is not very favourable. This they were aware of, and have therefore substituted another rule, by which every man's humour or interest is to be made the measure of his obedience.

"By this system of political rights, ambition, revenge, envy, and avarice, with the other bad passions, the controling of which is the very intent and meaning of law, are all let loose; and those dear interests, for the protection of which we trust in law, are at once abandoned to outrage.

"It is wonderful that so weak a system should find stability, even in popular madness. It is wonderful that extreme folly should not be more innocent. But it is most wonderful, that those who have any thing to lose, should adopt such a system.

"Do they hold their distinctions and fortunes by any other tenure than that of law? And will they put them to the hazard, for the chance of gaining something better in the uproar?

"This would be a more desperate species of gaming, than any other which is known, even in these times. But nothing is too mean for the uses of parties, especially as they are now constituted. Parties once had a principle belonging to them, absurd perhaps, and

were not spurious; upon the preamble of the charter act, passed in the reign of King William to the province of Massachusets Bay; to the resolutions agreed to in a committee of the House of Commons, in 1732; to the writings of a gentleman who published a tract on the colonies in 1749; to two or three other speculative opinions, thrown out by a few private individuals, in which, Sir Josiah Child, in his Treatise on Trade, was included; than to any substantial proof drawn from their former or present conduct. The substance of his lordship's argument (separated from his quotations) was, that the Americans had assumed to themselves the dignity and rights of independent states. Would they descend from that proud situation to confer about terms of subordination? Certainly not. They must feel the superiority of your arms, before

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and indefensible, but still carrying a notion of duty, by which honest minds might easily be caught.

"But there are now combinations of individuals, who instead of being the sons and servants of the community, make a league for advancing their private interests. It is their business to hold high the notion of political honour. I believe and trust it is not injurious to say, that such a bond is no better than that, by which the lowest and wickedest combinations are held together; and that it denotes the last stage of political depravity.

"There is another point, in the clearing of which the common cause of legal freedom is intimately concerned. Those, who maintain these doctrines, justify themselves by the glorious Revolution. Are the cases in any view similar? Or did the leaders in that great business act upon principles such as theirs? Many went into that enterprize, who were of different complexions and characters, and with very different designs and motives; some, who but little before, when they thought it their interest, were ready enough to have betrayed the constitution. But the best and honestest among them stood forth avowedly, as supporting the supremacy of law. Have these men done the same? or have they not, in every step of the American contest, assailed and insulted it? They have maintained, that a charter which issues from the King's sole pleasure, is valid against an act of Parliament. They have maintained, that a King of England has the power to discharge any number of his subjects that he pleases, from the allegiance that is due to the state.

"They used their best endeavours to throw the whole weight and power of the colonies into the scale of the crown; but we thank God's good providence, that we had a prince upon the throne, whose magnanimity and justice were superior to such temptations. Of those men therefore they have taken the name, but not the principles, and have so far aspersed their memory."

they will listen to you. The present is not a fit season to treat; try them, after this campaign, and then, if you are disposed to treat, take the large ground; but before you consent to such treaty, be sure that a disposition is begotten on both sides the water, to relax a little from mutual claims, and consent only to treat by commissioners; in order that the pulse of the leading people of America may be felt, and a certain knowledge acquired of what will compose the troubles of that country. This must be done before the subject of treating can properly come before Parliament. But for one of the contending parties, and that the highest and greatest, to begin pacific negotiations, by totally repealing all the statutes the other party complained of, was, his lordship observed, what he could not give his assent to; because, he said, it was not only in the first instance sacrificing the dignity of Parliament and the nation to the unjust claims of the Americans, but it was placing them in a situation, to be treated with contempt, in case the Congress should tell you, they were independent states, and would not treat with any power on earth, who did not first acknowledge their independence.

Lord *Onslow* rose to defend a noble lord in the other House [Lord North] from what had fallen from the noble lord who spoke last but one. He insisted the charge was untrue. That the affair about the rum contracts had been grossly and foolishly misrepresented in the newspapers; that the contract for rum had been made with all possible frugality, and lower than the navy contracts; and as to the blunder about currency and sterling, the noble lord alluded to, had said at first it was sterling, but being contradicted, gave it up for the time. On his return home, he found, however, the first assertion was right.

Earl of *Shelburne* replied, that the noble lord had misquoted his words; he never meant to impeach the integrity of the noble lord who made the contract. The navy contracts which were now appealed to by the noble defender of his noble friend, were of a long standing, and the rum furnished was of a superior quality; and was given to make up for other articles furnished on disadvantageous terms. The matter was not to be controverted. He produced short notes, taken at the time of the debate, by which it appeared, that the contract made with the treasury was at 4s. 4d. and 5s. 3d. while the price of rum on the spot was no more than 1s. 9d. and *Mr. Bayley*, a member of the other House, rose at the time,

time, and offered to enter into a contract with either the noble lord or the navy-board, at the rate of 2s. 2d. which was, at an average, about one half of the price charged in the contract which is now drawn into the present debate.

Lord *Onslow* in his reply, with respect to the goodness of the rum, mentioned the praises bestowed on it by Sir William Howe for its superior quality, in a letter received at the treasury, and discrediting a positive fact by implication, on a probability that Mr. Bayley might, like other gentlemen in the heat of debate, offer what he never intended to perform; or what, on cooler reflection, he would wish to retract.

Lord *Abingdon* closed the debate, by desiring to know from some law authority, whether the law as to the trial of persons guilty of offences in America, and brought to this country to be tried, was really changed. No answer being given, the question was suddenly put, and the motion negatived by a majority of 99 to 88.

Adjourned to June 2.

June 2.

No debate.

June 3.

Private business. Adjourned to June 5.

June 5.

No debate.

June 6.

The King came to the House of Lords, and put an end to the session with the following speech.

My Lords, and Gentlemen,

The conclusion of the public business, and the inconvenience which I fear you must have suffered by so long an attendance, call upon me to put an end to this session of Parliament; but I cannot let you go into your several counties without expressing my entire approbation of your conduct, and without thanking you for the unquestionable proofs you have given to me, and to all the world, of the continuance of your attachment to my person and government, of your clear discernment of the true interests of your country, and of your steady perseverance in maintaining the rights of the legislature.

Gentlemen of the House of Commons,

I cannot sufficiently thank you for the zeal and public spirit with which you have granted the large and extraordinary supplies, which I have found myself under the neces-

sity of asking of my faithful Commons, for the service of the current year; and I must at the same time acknowledge the particular marks of your affection to me, as well in enabling me to discharge the debts contracted on account of my civil government, as in making so considerable an augmentation to the civil list revenue during my life.

My Lords, and Gentlemen,

I trust in the Divine Providence, that by a well-concerted and vigorous exertion of the great force you have put into my hands, the operations of this campaign by sea and land will be blessed with such success, as may most effectually tend to the suppression of the rebellion in America, and to the re-establishment of that constitutional obedience which all the subjects of a free state owe to the authority of law.

LIST *of the most material public* ACTS *passed in the Third Session.*

LAND TAX (4s.)
Malt tax.
To prevent mutiny and desertion.
For regulating the marine forces on shore.
To enable the lords of the admiralty to grant letters of marque.
To empower the King to imprison persons suspected of high treason, committed in America, or on the sea.
For cloathing the militia.
For regulating the election of the East-India directors.
For dividing Enfield Chase.
For exempting cattle from turnpike tolls, going to or from water or pasture.
For the support of his Majesty's household and of the dignity of the Crown.
For allowing the exportation of wheat, &c. to the West and East Indies.
For registering grants of life annuities and protection of infants.
For allowing a draw-back on tea sent to Ireland.
For preventing the leaves of ash, elder, sloe, &c. being manufactured in imitation of tea.
For restraining the negociation of promissory notes.
For raising a certain sum of money, by loans on exchequer bill, for the service of the year 1777.
For the better supply of mariners and seamen, to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and vessels.
To authorise the carrying of the captures therein mentioned into any part of his Majesty's dominions in North America; and for ascertaining the value of such part of ships and goods as belong to the re-captors.

To

To prevent the clandestine unshipping from, and receiving goods at sea on board vessels employed in the East India Company's service; for ascertaining the manner of discharging bonds given for the due exportation of certain goods from Great Britain to foreign parts; and to oblige the masters of British or Irish ships sailing from any of his Majesty's dominions into the Baltic, to deliver a manifesto of their cargoes to the British Consul residing there.

For repealing the eleventh rule in the book of rates, so far as the same relates to making any allowance upon the importation of damaged currants and raisins, and for making the importer of such goods an abatement in the duties in lieu thereof; and for explaining the said rule, with respect to such allowance for damage on other goods; and to permit the exportation of tobacco-pipe clay from this kingdom to the British sugar colonies or plantations in the West-Indies for a limited time.

For better securing the duties on soap, and the duties on rum of the sugar plantations put into warehouses; and for allowing a draw-back of the duties on rum shipped as stores, to be consumed on board merchant ships on their voyages, for a limited time.

To continue the several laws therein mentioned, relating to encouraging the making of indigo in the British plantations in America; to the registering the prices at which corn is sold in the several counties of Great Britain, and the quantity exported and imported; to encouraging the manufacturing of leather, by lowering the duty payable upon the importation of oak bark, when the price of such bark shall exceed a certain rate; to the allowing timber and wood to be exported from the island of Dominica, into any other of the British islands, colonies, or plantations in America; and to the allowing a bounty on the exportation of British-made cordage.

For further continuing an act, passed in the sixth year of his present Majesty's reign, intituled, "An act to prohibit the importation of foreign-wrought silks and velvets, for a limited time, and for preventing unlawful combinations of workmen employed in the silk manufacture."

To allow the master dyers, within the counties of Middlesex, Essex, Surrey, and Kent, to employ journeymen in their trade who have not served apprenticeships thereto.

For preventing abuses in making and vending bricks and tiles.

For

For allowing further time for inrollment of deeds and wills made by Papists, and for relief of Protestant purchasers.

To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; and to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

For amending and rendering more effectual the several laws now in being; for the more effectual preventing of frauds and abuses by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and also for making provisions to prevent frauds by journeymen dyers.

For enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

For raising a certain sum of money, by way of annuities, and for establishing a lottery.

For granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty; and for granting to his Majesty other rates and duties upon glass, in lieu thereof; and for the better collecting the duties upon glass; and for repealing the several rates and duties charged by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons, and bodies politic and corporate, having certain quantities of silver plate.

For granting to his Majesty certain duties on licenses, to be taken out by all persons acting as auctioneers; and certain rates and duties on all lands, houses, goods, and other things sold by auction, and upon indentures, leases, bonds, deeds, and other instruments.

For

For granting to his Majesty a certain sum of money out of the Sinking Fund; and for applying certain monies therein mentioned, for the service of the year one thousand seven hundred and seventy-seven; and for further appropriating the supplies granted in this session of Parliament.

To promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices.

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